



No. 1.]

BILL.

[1898.

An Act relating to the Provincial Fisheries.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. *The Ontario Fisheries Act*, R. S. O. cap. 288, is hereby
5 amended by adding thereto the following section :

Rev. Stat. c.
288, amended.

19a. Fishery leases, licenses or permits may be granted
subject to such terms, conditions or limitations as may be con-
tained therein or made part thereof, or as shall be prescribed
by Order in Council or by any Act of the Legislature, and the
10 same shall be binding, to all intents and purposes, upon the
lessees, licensees or holders of permits or their assigns ; and
any such lessee, licensee or holder of a permit or his assigns
thereof who contravenes any of the terms, conditions or
restrictions thereof, shall forfeit his rights and privileges under
15 such lease, license or permit, and such lease, license or permit
may in such case be revoked by the Commissioner, and the
lessee, licensee or holder of the permit shall in addition be
deemed to have committed a violation of this Act.

Leases,
licenses and
permits.

2. The Lieutenant-Governor in Council may make such
20 provision as he deems necessary for obtaining, receiving and
taking over from the Government of the Dominion of Canada
or from the Department of Marine and Fisheries all records,
archives, documents, books, books of account, applications,
correspondence, regulations, Orders in Council, or of any other
25 documents or writing, or copies of any and all of the above in
any way relating to the Fisheries of this Province, and for all
such purposes connected with the said Fisheries may cause all
such searches and examinations to be made as may be found
necessary.

Taking over
Dominion
records, docu-
ments, books,
etc.

Rev. Stat. c. 288, amended. **3.** The said *The Ontario Fisheries Act* is further amended by adding thereto the following section :—

Appointment of deputy commissioner and staff.

41a. The Lieutenant-Governor may, from time to time, appoint a deputy commissioner and such other officers and clerks as may be necessary for the purpose of carrying out the provisions of this Act and the better enforcement of the law and of regulations made by lawful authority, and for enforcing also such terms and conditions and limitations as aforesaid. Such officers and clerks shall be paid out of moneys received under the provisions of this Act, or as may be appropriated by the Legislature. 5 10

Rev. Stat. c. 288, s. 62, repealed.

4. Section 62 of the said Act is repealed and the following is substituted therefor:

Inconsistent enactments repealed.

62. All provisions of law inconsistent with this Act are hereby repealed. 15

Rev. Stat. c. 288, s. 3 (9), and ss. 28, 29, 31-36 repealed.

5. Sub-section 9 of section 3 and sections 28, 29, 31, 32, 33, 34, 35 and 36 of the said Act are hereby repealed.

Act incorporated with Rev. Stat. c. 288.

6. This Act shall be read with and as part of *The Ontario Fisheries Act*, R. S. O. cap. 288.

No. 1.

1st Session, 9th Legislature, 62 Vict., 1898.

BILL.

An Act relating to the Provincial Fisheries.

First Reading, 8th August, 1898.

The ATTORNEY-GENERAL.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 2.]

BILL.

[1898.

An Act respecting the Election Laws.

WHEREAS a question has been raised since the last general election as to the legal right of any electors to vote who have been appointed or required by returning officers or deputy returning officers to act as constables or special constables at elections or on polling day, as well as of persons who have performed other services or furnished necessary things for the purpose of enabling returning officers to carry out the requirements of *The Ontario Election Act*; and whereas numerous petitions have been filed complaining of the undue election or return of certain members at the said general election in and by which the said question is raised and in which it is claimed that such votes are unlawful; and whereas electors so acting have always exercised the right to vote at elections for the Legislative Assembly, and such right has been always heretofore acquiesced in; and whereas in order to obtain a speedy decision on the said point and to save unnecessary expense and trouble in litigation, it is expedient that provision be made for the disposal of the said question by the court before the parties are obliged to take further proceedings in connection with petitions in or under which such question is or may be raised; and whereas for the purpose of obtaining a decision on the said point certain questions were submitted to the Court of Appeal by Order-in-Council of the 10th day of June, 1898, for the opinion of the Court under chapter 84 of the Revised Statutes of 1897; and whereas it is expedient that other questions should be substituted for those so submitted as aforesaid;—

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The questions set out in Schedule "A" to this Act are hereby referred to the Court of Appeal for hearing and con- Questions submitted to Court of Appeal.

sideration, and shall whether in or out of vacation be forthwith set down for hearing and shall be heard on the earliest day possible after the giving of the notice herein prescribed at the first ordinary sittings hereafter of the Court of Appeal, or at any earlier special sittings which may be held for the purpose, and the Registrar of the said Court shall give notice thereof by registered letter mailed at least six clear days before the said hearing to the solicitors by whom election petitions have been filed or to their Toronto agents. The hearing shall be prosecuted with all convenient speed and shall take precedence over all other business; and the Court shall hear argument thereon by such counsel as may desire to be heard, but in case more than two counsel appear at the hearing to support their view of the question before the Court the Court shall have a discretion to direct which and how many of the counsel so appearing shall be heard, and in case counsel on one side only appears, the case shall be heard and disposed of on hearing such counsel only and judgment shall be given at as early a date as practicable after the argument and in the manner provided by section 2 of the Act to expedite the decision of Constitutional and other Provincial questions. The decision of the Court of Appeal on the said questions shall be final and shall not be subject to any appeal, and shall at or upon the trial of any of the aforesaid election petitions, have the same effect as a judgment of the said Court in a litigated cause, and shall unless and until reversed by the said courts, be binding on the said Court and on all other courts and judges.

Rev. Stat.
c. 84,

Postponement
of trial until
after questions
answered by
Court of
Appeal.

2—(1) In case it appears from the petition or the particulars or otherwise that the right to vote of any of the persons who have voted and who may be included in any of the classes of persons whose right to vote is the subject of the said questions, will or may be brought in question upon any of the grounds or for any of the reasons referred to in the questions in said Schedule, any party to the petition (where no undertaking has been given as is provided by the next sub-section) shall be entitled to obtain *ex parte* on application made to one of the judges on the rota not later than six clear days before the time fixed for the trial an order postponing the trial until after the decision of the Court of Appeal on the said questions, and a copy of such order shall forthwith be served upon the other parties to the petition, and in such case the trial shall not be proceeded with until after such decision has been given, and in case of a trial coming on for the postponement of which no order had been obtained and the right to vote as aforesaid is brought in question, the trial shall not be further proceeded with but shall be postponed; or by consent of all parties the trial may be proceeded with to its conclusion, and in such case judgment shall be postponed until after the decision of the Court of Appeal.

(2) Notwithstanding anything in the next preceding subsection contained, the trial of any petition may be proceeded with if an undertaking is entered into by the petitioner or his solicitor in the following form, and if the same shall be delivered to the opposite party at least two days before the delivery of the particulars :

Proceeding with trial of petition on undertaking not to raise question.

FORM OF UNDERTAKING.

Style of Cause.

" I, the petitioner hereby undertake that upon the trial of the petition in this matter, or in any proceedings in connection therewith, the vote of any person who may be included in any of the classes of persons whose right to vote is the subject of any of the questions in Schedule 'A,' will not be questioned or objected to upon any of the grounds or for any of the reasons in any of the said questions referred to."

In such case no such objection shall thereafter be raised or taken to any of such votes upon any of the grounds or for any of the reasons aforesaid, and the undertaking shall be binding and shall be given effect to by the Court upon the trial and in all proceedings thereafter.

3. Section 48 of *The Ontario Controverted Elections Act* is amended by adding thereto the following words: "Provided that if a session of the Legislature shall have commenced and shall have been adjourned, then the trial may be proceeded with during the period of adjournment after the expiration of fifteen days from the day of adjournment, or with the consent of all parties at any time during the period of adjournment, and for the purposes of this section the period of adjournment shall not be reckoned as part of a session." This section shall remain in force only until the end of the present session, and shall apply to pending petitions.

Rev. Stat. c. 11, s. 48, amended.

Proceeding with trials during adjournment of Assembly.

Pending petitions.

4. To remove doubts, section 6 of *The Ontario Election Act* is amended by adding thereto the following two sub-sections:—

Rev. Stat. c. 9, s. 6, amended.

(4) No peace officer, constable, or special constable summoned, appointed, employed, sworn in, or required to assist and aid in the maintenance of peace and good order at an election or polling shall by reason of his being so summoned, appointed, employed, or sworn in, or of such services or of the receipt or expectation of the fees or compensation therefor allowed by this Act and payable out of public moneys be disqualified or rendered incompetent to vote; but nothing in this Act shall authorize the payment of more than two such persons or constables so appointed or employed by a returning officer, nor of more than one by any one deputy returning officer as heretofore; nor shall anything in this section contained deprive of the right to vote, (1) persons otherwise entitled to vote who perform services or supply to a returning officer in the ordinary course any things necessary for the purpose of enabling the returning officer to carry out the requirements of *The Ontario Election Act*; nor (2) persons who

Constables and persons furnishing supplies to election officers, etc. not disqualified.

have rented or supplied rooms or places or whose place or rooms have been taken for use for nomination meetings or as polling booths ; nor shall any of such persons be deprived of their right to vote by reason merely that they have received or expect to receive out of public moneys the payment 5 allowed by law, or reasonable or ordinary payment where the same is not fixed by law.

Constables,
etc. who have
heretofore
voted relieved
from
penalties,

(5) No person and no member of any of the classes of persons whose right to vote is the subject of any of the questions set out in Schedule "A" who has heretofore voted at an election 10 of a member to serve in the Legislative Assembly shall be deemed or held to have incurred any of the penalties imposed by this Act by reason only of his having so voted notwithstanding his having received or of his expecting to receive the lawful fees or other compensation authorized or 15 allowed by the Election Act to be paid out of public moneys for or in respect of services rendered or accommodation or supplies or things furnished by him as aforesaid.

Oath of
voter not to
apply to law-
ful payments
received.

5. The words "That you have not received anything, nor has anything been promised you either directly or indirectly 20 either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith," occurring in the forms of oaths to be administered to voters shall not be deemed to apply to pay- 25 ments authorized by law to be made or expected to be made out of public moneys, but to apply only to payments or promises made by or on behalf of or in the interest of a candidate for the purpose of forwarding his election

Amendments
not to imply
a different
state of the
law.

6. Nothing in the preceding sections nor in any other part of this Act shall be held to imply that the law is different 30 or was considered by the Legislature to have been different from the law as it is by any of the preceding sections of this Act enacted or declared.

Rev. Stat.
c. 11, s. 55,
amended.

Certificate of
trial judges.

7. Section 55 of *The Ontario Controverted Elections Act* is hereby amended by inserting therein after the word 35 "and" in the fourth line of the said section the words following:—"Except in the case of an appeal as hereinafter provided," and by striking out the words "subject only to the appeal hereinafter mentioned" at the end of the said section.

Certificate for
Court of
Appeal.

8. If an appeal as provided by *The Ontario Controverted* 40 *Elections Act* is made to the Court from any decision given in an election trial the judges trying the petition shall make the certificates and reports in the said Act mentioned to the Court of Appeal and the same shall form part of the record of the said matter before the Court upon such appeal. 45

9. The judge or judges trying the petition shall not certify his or their determination of the case to the Speaker or to the Court of Appeal as the case may be until after the security for costs of appeal has been deposited or until the time limited by section 66 of *The Ontario Controverted Elections Act* for depositing such security has expired.

Certificate not to be issued during time for appealing.

10 10—(1) Sub-section 1 of section 56 of *The Ontario Controverted Elections Act* is amended by striking out all of the words in said sub-section after the words "upon the case" where they appear in the 13th line of said sub-section.

Rev. Stat., c. 11, s. 56, amended.

(2) Sub-section 2 of said section 56 is amended by striking out the words "to the Speaker or Clerk" in the 7th line thereof.

11. The following section is substituted for section 63 of *The Ontario Controverted Elections Act* :

Rev. Stat., c. 11, s. 63, repealed.

15 63. In case the Judge or Judges trying an election shall decide that the election or return was void, or that some other person was elected or is entitled to the seat, where there is an appeal from the decision neither the member returned or such other person shall be entitled to take the seat or vote in the Legislative Assembly until such appeal shall be disposed of, and the certificate of the Court shall be received by the Speaker, or by the Clerk where there is no Speaker.

If election set aside and appeal entered.

25 12. Section 73 of the said *The Ontario Controverted Elections Act* is hereby amended by inserting therein after the word "done" in the eighth line of the said section the words following: "and in the said certificates shall certify as to the matters and things as to which the trial judges would but for such appeal have been required to report to the Speaker, whether the same are confirmed, annulled, changed, or left unaffected by such decision of the court."

Rev. Stat., c. 11, s. 73 amended.

Certificate from Court of Appeal.

35 13. If a member is unseated as a result of the trial of any of the aforesaid petitions by reason of the disallowance of the vote of any person included in any of the classes of persons whose right to vote is the subject of any of the questions set out in Schedule "A", or partly by reason thereof and partly for some other reason, the seat shall not be given to any candidate but the election shall be declared void and thereafter a new election shall be held as in other cases, anything in the Election laws to the contrary notwithstanding; but nothing in this section shall prevent an appeal from the trial judges to the Court of Appeal.

In certain cases new election to be ordered and seat not to be given to claimant.

45 14. Notwithstanding anything in *The Ontario Controverted Elections Act* contained any election petition pending at the time of the passing of this Act shall be tried by two judges on the rota sitting together and in case of a scrutiny of votes

Pending petitions to be tried by two judges.

such scrutiny shall be held before two judges, and so much of sections 76 to 84 inclusive of the said Act as provides for a scrutiny of votes by a single judge or by a barrister or registrar shall not apply.

Rev. Stat.
c. 11, s. 66
amended.

15. Section 66 of *The Ontario Controverted Elections Act* 5
is amended by adding thereto the following subsection:—

Appeals to
have prece-
dence of other
business.

(2) The appeal shall be given precedence over all ordinary cases, but the Court, where it deems fit to do so, may for good cause postpone the hearing.

Act not to pre-
vent the strik-
ing off of cor-
rupt votes, etc.

16. Nothing in this Act contained shall upon the trial of 10
any of said election petitions prevent the vote of any person
from being struck off for corrupt practices or otherwise dealt
with as by *The Ontario Election Act* is provided, but in the
case of persons belonging to any of the classes of persons
whose right to vote is the subject of the questions set out in 15
Schedule "A," the mere facts of having voted and of hav-
ing received or of expecting to receive their fee or compensa-
tion from public moneys under *The Election Act* for the
services, rooms or things referred to in the said questions shall
not be deemed a corrupt practice, although the court should 20
hold that they were not entitled to vote nor in such case
shall such persons be deemed to have voted knowing that
they had not a right to vote.

"Public
moneys,"
meaning of.

17. The words "public moneys" where used in this Act
shall include the moneys of the Province or of a municipality. 25

Application of
certain sec-
tions to pend-
ing petitions.

18. The several provisions aforesaid contained in the sec-
tions numbered from 7 to 17, both inclusive, shall apply to
all petitions filed under the provisions of *The Ontario Contro-*
verted Elections Act, which shall be pending at the time of
the passing of this Act. 30

Act to be
incorporated
with Rev.
Stat. cc. 9, 11.

19. This Act shall be incorporated with and be read as part
of *The Ontario Election Act* and *The Ontario Controverted*
Elections Act.

SCHEDULE.

QUESTIONS STATED FOR THE OPINION OF THE COURT OF APPEAL.

1. Does section 6 or any other part of *The Ontario Election Act* or anything in the schedules thereto, disqualify or disentitle or render incompetent or deprive of the right to vote at the election of a member of the Legislative Assembly any peace officer, constable, or special constable summoned, appointed, employed, sworn in, or required to assist and aid in the main tenance of peace and good order at such election or the polling in connection therewith, by the returning officer or deputy returning officer in accordance with *The Ontario Election Act* by reason of being so summoned, appointed, employed, or sworn in, or by reason of such services or of the receipt or expectation of the fees or compensation therefor authorized or allowed to be paid by the said *Ontario Election Act* out of public moneys, provided that such person is entered on the voters' list as entitled to vote and is otherwise duly qualified and entitled to vote at such election ?

2. Does the said section 6 or any other part of the said *Ontario Election Act*, or anything in the schedules thereto, disqualify or disentitle or render incompetent or deprive of the right to vote at the election of a member of the Legislative Assembly persons who perform services or supply to a returning officer in the ordinary course such things as are necessary for the purpose of enabling the returning officer to carry out the requirements of *The Ontario Election Act* or any of such persons by reason only that they have performed such service or supplied such things, and that they have received or expect to receive out of public moneys the payment thereof allowed by law, or reasonable or ordinary payments where the same is not fixed by law, provided that such persons are entered on the voters' list as entitled to vote and are otherwise duly qualified and entitled to vote at such election ?

3. Does the said section 6 or any other part of the *Ontario Election Act* or anything in the schedules thereto, disqualify or disentitle or render incompetent or deprive of the right to vote at the election of a member of the Legislative Assembly persons who have let or supplied rooms or places or whose rooms have been taken for use at the nomination meeting or as polling booths by reason only that they have let or supplied such rooms or places or that they have been taken to be used as aforesaid, and that they have received or expect to receive out of public or municipal moneys the payment allowed by law or reasonable or ordinary payment where the same is not fixed by law, provided that such persons are entered on the voters' list as entitled to vote and are otherwise duly qualified and entitled to vote at such election ?

No. 2.

1st Session, 9th Legislature, 62 Vict., 1898.

BILL.

An Act respecting The Election Laws.

First Reading, 16th August, 1898.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting the Election Laws.

WHEREAS a question has been raised since the last general election as to the legal right of any electors to vote Preamble. who have been appointed or required by returning officers or deputy returning officers to act *or who have acted* as constables or special constables at elections or on polling day, as well as of persons who have performed other services or furnished necessary things for the purpose of enabling returning officers to carry out the requirements of *The Ontario Election Act*; and whereas numerous petitions have been filed complaining of the undue election or return of certain members at the said general election in and by which the said question *is or may be* raised and in which it *is or may be* claimed that such votes are unlawful; and whereas electors so acting have always exercised the right to vote at elections for the Legislative Assembly, and such right has^{not} hitherto been questioned in any proceedings^{and}; and whereas in order to obtain a speedy decision on the said point and to save unnecessary expense and trouble in litigation, it is expedient that provision be made for the disposal of the said question by the court before the parties are obliged to take further proceedings in connection with petitions in or under which such question is or may be raised; and whereas for the purpose of obtaining a decision on the said point certain questions were submitted to the Court of Appeal by Order-in-Council of the 10th day of June, 1898, for the opinion of the Court under chapter 84 of the Revised Statutes of 1897; and whereas it is expedient that other questions should be substituted for those so submitted as aforesaid:—

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The questions set out in Schedule "A" to this Act are hereby referred to the Court of Appeal for hearing and con- Questions submitted to Court of Appeal.

sideration, and shall whether in or out of vacation be forthwith set down for hearing and shall be heard on the earliest day possible after the giving of the notice herein prescribed at the first ordinary sittings hereafter of the Court of Appeal, or at any earlier special sittings which may be held for the purpose, and the Registrar of the said Court shall give notice thereof by registered letter mailed at least six clear days before the said hearing to the solicitors by whom election petitions have been filed or to their Toronto agents. The hearing shall be prosecuted with all convenient speed and shall take precedence over all other business; and the Court shall hear argument thereon by such counsel as may desire to be heard, but in case more than *three* counsel appear at the hearing to support their view of the question before the Court the Court shall have a discretion to direct which and how many of the counsel so appearing shall be heard, and in case counsel on one side only appears, the case shall be heard and disposed of on hearing such counsel only and judgment shall be given at as early a date as practicable after the argument. The decision of the Court of Appeal on the said questions shall be final and shall not be subject to any appeal, and shall at or upon the trial of any of the aforesaid election petitions, have the same effect as a *final* judgment of the said Court in a litigated cause, and shall be binding on the said Court and on all other courts and judges⁴² upon the trial of any election petition or upon any appeal from the decision of the trial judges, or in any other proceeding had or taken under or by reason of an election petition.⁴³

Rev. Stat.
c. 84,

Postponement
of trial until
after questions
answered by
Court of
Appeal.

2—(1) In case it appears from the petition or the particulars or otherwise that the right to vote of any of the persons who have voted and who may be included in any of the classes of persons whose right to vote is the subject of the said questions, will or may be brought in question upon any of the grounds or for any of the reasons referred to in the questions in said Schedule, any party to the petition (where no undertaking has been given as is provided by the next sub-section) shall be entitled to obtain *ex parte* on application made to one of the judges on the rota not later than six clear days before the time fixed for the trial an order postponing the trial until after the decision of the Court of Appeal on the said questions, and a copy of such order shall forthwith be served upon the other parties to the petition, and in such case the trial shall not be proceeded with until after such decision has been given, and in case of a trial coming on for the postponement of which no order had been obtained and the right to vote as aforesaid is brought in question, the trial shall not be further proceeded with but shall be postponed *until after the giving of such decision*; or by consent of all parties the trial may be proceeded with to its conclusion, and in such case judgment shall be postponed until after the decision of the Court of Appeal.

(2) Notwithstanding anything in the next preceding subsection contained *and notwithstanding such order of postponement*, the trial of any petition may be proceeded with if an undertaking is entered into by the petitioner or his solicitor in the following form, and if the same shall be delivered to the opposite party *with the particulars* :

Proceeding with trial of petition on undertaking not to raise question.

FORM OF UNDERTAKING.

Style of Cause.

" I, _____ the petitioner hereby undertake that upon the trial of the petition in this matter, or in any proceedings in connection therewith, the vote of any person who may be included in any of the classes of persons whose right to vote is the subject of any of the questions in Schedule 'A,' will not be questioned or objected to upon any of the grounds or for any of the reasons in any of the said questions referred to."

In such case no such objection shall thereafter be raised or taken to any of such votes upon any of the grounds or for any of the reasons aforesaid, and the undertaking shall be binding and shall be given effect to by the Court upon the trial and in all proceedings thereafter.

3. Section 48 of *The Ontario Controverted Elections Act* is amended by adding thereto the following words: "Provided that if a session of the Legislature shall have commenced and shall have been adjourned, then the trial may be proceeded with during the period of adjournment after the expiration of fifteen days from the day of adjournment, or with the consent of all parties at any time during the period of adjournment, and for the purposes of this section the period of adjournment shall not be reckoned as part of a session." This section shall remain in force only until the end of the present session, and shall apply to pending petitions.

Rev. Stat. c. 11, s. 48, amended.

Proceeding with trials during adjournment of Assembly.

Pending petitions.

4. To remove doubts, section 6 of *The Ontario Election Act* is amended by adding thereto the following two sub-sections:—

Rev. Stat. c. 9, s. 6, amended.

(4) No peace officer, constable, or special constable summoned, appointed, employed, sworn in, or required to assist and aid or assisting or aiding or acting as such officer or constable in the maintenance of peace and good order at an election or polling shall by reason of his being so summoned, appointed, employed, or sworn in, or of such services or of the receipt or expectation of the fees or compensation therefor allowed by this Act and payable out of public moneys be disqualified or rendered incompetent to vote; but nothing in this Act shall authorize the payment of more than two such persons or constables so appointed or employed by a returning officer, nor of more than one by any one deputy returning officer as heretofore; nor shall anything in this section contained deprive of the right to vote, (1) persons otherwise entitled to vote who perform services or supply to a returning officer in the ordinary course any things necessary for

Constables and persons furnishing supplies to election officers, etc. not disqualified.

the purpose of enabling the returning officer to carry out the requirements of *The Ontario Election Act*; nor (2) persons *otherwise entitled to vote* who have rented or supplied rooms or places or whose place or rooms have been taken for use for nomination meetings or as polling booths; nor shall any of such persons be deprived of their right to vote by reason merely that they have received or expect to receive out of public moneys the payment allowed by law, or reasonable or ordinary payment where the same is not fixed by law.

Constables,
etc. who have
heretofore
voted relieved
from
penalties, :

(5) No person and no member of any of the classes of persons whose right to vote is the subject of any of the questions set out in Schedule "A" who has heretofore voted at an election of a member to serve in the Legislative Assembly shall be deemed or held to have incurred any of the penalties imposed by this Act by reason only of his having so voted notwithstanding his having received or of his expecting to receive the lawful fees or other compensation authorized or allowed by the Election Act to be paid out of public moneys for or in respect of services rendered or accommodation or supplies or things furnished by him as aforesaid.

Oath of
voter not to
apply to law-
ful payments
received.

5. The words "That you have not received anything, nor has anything been promised you either directly or indirectly either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith," occurring in the forms of oaths to be administered to voters shall not be deemed to apply to *bona fide* payments authorized by law to be made or expected to be made out of public moneys, *and so made without corrupt intent*.

Amendments
not to imply
a different
state of the
law.

6. Nothing in the preceding sections nor in any other part of this Act shall be held to imply that the law is different or was considered by the Legislature to have been different from the law as it is by any of the preceding sections of this Act enacted or declared.

Rev. Stat.
c. 11, s. 55,
amended.

7. Section 55 of *The Ontario Controverted Elections Act* is hereby amended by inserting therein after the word "and" in the fourth line of the said section the words following:—"Except in the case of an appeal as hereinafter provided," and by striking out the words "subject only to the appeal hereinafter mentioned" at the end of the said section.

Certificate of
trial judges.

Certificate for
Court of
Appeal.

8. If an appeal as provided by *The Ontario Controverted Elections Act* is made to the Court of Appeal from any decision given in an election trial the judges trying the petition shall make the certificates and reports in the said Act mentioned to the Court of Appeal and the same shall form part of the record of the said matter before the Court upon such appeal.

9. The judge or judges trying the petition shall not certify his or their determination of the case to the Speaker or to the Court of Appeal as the case may be until after the security for costs of appeal has been deposited or until the time limited by section 66 of *The Ontario Controverted Elections Act* for depositing such security has expired.

Certificate not to be issued during time for appealing.

10—(1) Sub-section 1 of section 56 of *The Ontario Controverted Elections Act* is amended by striking out all of the words in said sub-section after the words “upon the case” where they appear in the 13th line of said sub-section.

Rev. Stat., c. 11, s. 56, amended.

(2) Sub-section 2 of said section 56 is amended by striking out the words “to the Speaker or Clerk” in the 7th line thereof.

11. The following section is substituted for section 63 of *The Ontario Controverted Elections Act* :

Rev. Stat. c. 11, s. 63, repealed.

63. In case the Judge or Judges trying an election *petition* shall decide that the election or return was void, or that some other person was elected or is entitled to the seat, where there is an appeal from the decision neither the member returned or such other person shall be entitled to take the seat or vote in the Legislative Assembly until such appeal shall be disposed of, and the certificate of the Court shall be received by the Speaker, or by the Clerk where there is no Speaker.

If election set aside and appeal entered.

12. Section 73 of the said *The Ontario Controverted Elections Act* is hereby amended by inserting therein after the word “done” in the eighth line of the said section the words following: “and in the said certificates shall certify as to the “matters and things as to which the trial judges would but “for such appeal have been required to report to the Speaker, “whether the same are confirmed, annulled, changed, or left “unaffected by such decision of the court.”

Rev. Stat. c. 11, s. 73 amended.

Certificate from Court of Appeal.

13. If a member is unseated as a result of the trial of any of the aforesaid petitions by reason of the disallowance of the vote of any person included in any of the classes of persons whose right to vote is the subject of any of the questions set out in Schedule “A”, or partly by reason thereof and partly for some other reason, the seat shall not be given to any candidate *by the trial judges or on appeal*, but the election shall be declared void and thereafter a new election shall be held as in other cases, anything in the Election laws to the contrary notwithstanding; but nothing in this section shall prevent an appeal from the trial judges to the Court of Appeal.

In certain cases new election to be ordered and seat not to be given to claimant.

14. Notwithstanding anything in *The Ontario Controverted Elections Act* contained any election petition pending at the time of the passing of this Act shall be tried by two judges on the rota sitting together and in case of a scrutiny of votes such scrutiny shall be held before two judges.

Pending petitions to be tried by two judges.

Rev. Stat. c. 11, ss. 78, 80, 85 repealed; s. 79 amended. **27** (2) "Sections 78, 80, 81, 82, 83, 84 and 85 of *The Ontario Controverted Elections Act* are hereby repealed, and section 79 of the said Act is amended by striking out the words "Where the scrutiny is entered into before the Judges in person" occurring in the first and second lines of the said section." **28**

Rev. Stat. c. 11, s. 66 amended.

15. Section 66 of *The Ontario Controverted Elections Act* is amended by adding thereto the following subsection:—

Appeals to have precedence of other business.

(2) The appeal shall be given precedence over all ordinary cases, but the Court, where it deems fit to do so, may for *sufficient* cause postpone the hearing.

Act not to prevent the striking off of corrupt votes, etc.

16. Nothing in this Act contained shall upon the trial of any of said election petitions prevent the vote of any person from being struck off for corrupt practices or otherwise dealt with as by *The Ontario Election Act* is provided, but in the case of persons belonging to any of the classes of persons whose right to vote is the subject of the questions set out in Schedule "A," the mere facts of having voted and of having received or of expecting to receive their fee or compensation from public moneys under *The Election Act* for the services, rooms or things referred to in the said questions shall not be deemed a corrupt practice, although the court should hold that they were not entitled to vote nor in such case shall such persons be deemed to have voted knowing that they had not a right to vote.

"Public moneys," meaning of.

17. The words "public moneys" where used in this Act shall include the moneys of the Province or of a Municipality.

Distribution of political literature.

18. The distribution by a candidate or his agent of political pamphlets or other political literature which relates to matters of public interest in relation to the election, or the sending or causing to be sent to electors by a candidate or his agent, newspapers containing political articles, reports of political meetings or other matters of public interest during such election or for a reasonable time prior thereto, are not and never have been corrupt or illegal acts or otherwise in contravention of *The Election Act* or of any other law. **29**

Rev. Stat. c. 9.

19 The several provisions aforesaid contained in the sections numbered from 7 to 17, both inclusive, shall apply to all petitions filed under the provisions of *The Ontario Controverted Elections Act*, which shall be pending at the time of the passing of this Act.

Application of certain sections to pending petitions.

Fishery licenses not disqualified.

20. No person is ineligible or shall be deemed to have been ineligible to be a member of the Legislative Assembly by reason of his being or having heretofore been the holder of a fishery license, or having any contract or agreement with Her Majesty or with any public officer or department with respect

to the same or to fisheries or fishing rights ; nor is any person ineligible or to be deemed ineligible as aforesaid by reason of his being or having been a shareholder or stockholder in a company having any such contract or agreement as aforesaid ; but no such licensee or person interested as aforesaid shall vote on any question affecting such license or in which he is interested by reason of such license ; and this section shall be read with and as part of the Act respecting the Legislative Assembly. Rev. Stat.
c. 12.

21. This Act, *save and except section 20 thereof*, shall be incorporated with and be read as part of *The Ontario Election Act* and *The Ontario Controverted Elections Act*. Act to be
incorporated
with Rev.
Stat. cc. 9, 11.

SCHEDULE.

QUESTIONS STATED FOR THE OPINION OF THE COURT OF APPEAL.

1. Does section 6 or any other part of *The Ontario Election Act* or anything in the schedules thereto, *or in any other law*, disqualify or disentitle or render incompetent or deprive of the right to vote at the election of a member of the Legislative Assembly any peace officer, constable, or special constable summoned, appointed, employed, sworn in, or required to assist and aid,  or assisting or aiding or acting as such peace officer or constable,  in the maintenance of peace and good order at such election or the polling in connection therewith, by the returning officer or deputy returning officer in accordance with *The Ontario Election Act* by reason of being so summoned, appointed, employed, or sworn in, or by reason of such services or of the receipt or expectation of the fees or compensation therefor authorized or allowed to be paid by the said *Ontario Election Act* out of public moneys, provided that such person is entered on the voters' list as entitled to vote and is otherwise duly qualified and entitled to vote at such election ?

2. Does the said section 6 or any other part of the said *Ontario Election Act*, or anything in the schedules thereto, *or in any other law*, disqualify or disentitle or render incompetent or deprive of the right to vote at the election of a member of the Legislative Assembly persons who perform services or supply to a returning officer in the ordinary course such things as are necessary for the purpose of enabling the returning officer to carry out the requirements of *The Ontario Election Act* or any of such persons by reason only that they have performed such service or supplied such things, and that they have received or expect to receive out of public moneys the payment thereof allowed by law, or reasonable or ordinary payments where the same is not fixed by law, provided that such persons are entered on the voters' list as entitled to vote and are otherwise duly qualified and entitled to vote at such election ?

3. Does the said section 6 or any other part of the *Ontario Election Act* or anything in the schedules thereto, *or in any other law*, disqualify or disentitle or render incompetent or deprive of the right to vote at the election of a member of the Legislative Assembly persons who have let or supplied rooms or places or whose rooms have been taken for use at the nomination meeting or as polling booths by reason only that they have let or supplied such rooms or places or that they have been taken to be used as aforesaid, and that they have received or expect to receive out of public or municipal moneys the payment allowed by law or reasonable or ordinary payment where the same is not fixed by law, provided that such persons are entered on the voters' list as entitled to vote and are otherwise duly qualified and entitled to vote at such election ?

No. 2.

1st Session, 9th Legislature, 62 Vict., 1898.

BILL.

An Act respecting The Election Laws.

First Reading, 16th August, 1898.
Second Reading, 19th August, 1898.

*(Reprinted as amended in Committee of
the Whole.)*

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 3]

BILL.

[1898.

An Act to Confirm By-law No. 7 for 1898, of the Town of Clinton, and to authorize the issue of Debentures thereunder, and to confirm an Agreement made between the said Corporation and the firm of W. Doherty & Co

WHEREAS the Corporation of the Town of Clinton have Preamble. by their petition prayed that an Act may be passed to ratify, confirm, legalize and declare valid a By-law of the Corporation of the Town of Clinton, passed on the 16th day of March, 1898, after the same had been duly approved and assented to by the ratepayers of the said Town of Clinton, who were entitled to vote thereon, intituled By-law No. 7 for 1898, "A By-law to raise by way of loan the sum of twenty-five thousand dollars for the purpose hereinafter mentioned," a copy of which By-law is contained in Schedule A to this Act; also to ratify, confirm and legalize an Agreement made and entered into on the seventh day of June, A.D. 1898, between the said Corporation of the Town of Clinton and the firm of W. Doherty & Co., a copy of which said Agreement is contained in Schedule B to this Act; and whereas in pursuance of the said Agreement, upon the faith of the fulfilment thereof, on the part of the said Corporation, and as the result of the said By-law and Agreement, the said firm of W. Doherty & Co. have proceeded to erect and have completed in the said Town the various buildings and erections as in the said Agreement set forth; and whereas the said Corporation have represented that it would be advantageous to the same and in accordance with good faith, justice and right, that the said By-law and

Agreement should be confirmed and authority granted to issue debentures as in the said by-law provided; and whereas it is expedient that the prayer of the said petition should be granted;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:--

By-law confirmed.

1. The said By-law, number 7 for 1898, of the Corporation of the Town of Clinton, intituled as in the preamble to this Act recited, and which said by-law is set out in Schedule A to this Act is hereby ratified and confirmed and declared to be legal, valid and binding to all intents and purposes, and the debentures to be issued under the said By-law shall be, and the same are hereby declared to be valid, legal and binding upon the Corporation of the said Town of Clinton and the ratepayers thereof notwithstanding anything contained in any Act to the contrary.

Agreement confirmed.

2. The said Agreement bearing date the 7th day of June, A.D. 1898, made between the said Corporation of the Town of Clinton and the firm of W. Doherty & Co., which is set forth in Schedule B to this Act is hereby ratified and confirmed and declared to be legal, valid and binding to all intents and purposes upon the parties thereto.

SCHEDULE A.

BY-LAW No. 7 FOR 1898.

A By-law to raise by way of Loan the sum of Twenty-Five Thousand Dollars for the purpose hereinafter mentioned.

Whereas the Organ Factory in the Town of Clinton, of the firm of William Doherty & Co., together with all the machinery, plant, stock, both in process of manufacture and stored, and the residence and stables of William Doherty, the head of the firm, were on the First Day of February, 1898, completely destroyed by fire. And,

Whereas, the loss incurred by the said firm is estimated to be one hundred thousand dollars, whilst there is only an insurance of forty thousand dollars. And,

Whereas there were employed in the said factory at the time of the fire between one hundred and twenty-five and one hundred and thirty hands, seventy of whom are heads of families in the Town, and the loss to them in the event of the non-erection of the factory in the Town would be very serious. And,

Whereas, in the event of the firm not re-erecting their factory in the Town, the loss to the citizens and to the Corporation through depreciation in the values of property, in business, and by removal of many of its inhabitants would be disastrous. And,

Whereas it is desirable that this Corporation should grant aid to the said firm to assist them in the re-erection of their works in Clinton. And,

Whereas, it is proposed to grant such aid by way of a loan to the said firm of Twenty-five Thousand Dollars for twenty years without Interest upon such security and terms as the Council of the said Corporation may hereafter require and to issue Debentures to raise the said amount of Twenty-Five Thousand Dollars, such Debentures to be payable on the First day of April 1918 with Interest thereon at the rate of Four per cent. per annum, payable yearly according to the Coupons to the said Debentures attached. And,

Whereas, for the payment of the said Debentures and of the Interest to become due thereon it will require the sum of One Thousand Dollars to be raised annually for the payment of the said Interest and the further sum of \$930.40 to be raised annually as principal for the payment of the said Debentures. And,

Whereas, the amount of the whole rateable property of the said Corporation irrespective of any future increase of the same and irrespective of any income in the nature of tolls, interest, dividends, rents, or fees from the said property and also irrespective of any income to be derived from the temporary investment of the Sinking Fund hereinafter mentioned, or any part thereof, according to the last revised Assessment Roll of the said Corporation, being for the year One Thousand and Eight Hundred and Ninety-Seven was Five Hundred and Eighty-One Thousand, One Hundred and Seventy Dollars. And,

Whereas, the existing Debenture debt of this Municipality amounts to Twenty-Nine Thousand Five Hundred Dollars and no Principal or Interest is in arrears.

Therefore the Municipal Council of the Corporation of the Town of Clinton enacts as follows :—

1. It shall be lawful for the Mayor of the said Town for the purpose aforesaid to borrow the said sum of twenty-five thousand dollars and to issue debentures of the said Municipality to the amount of twenty-five thousand dollars in sums of not less than one hundred dollars each, payable at the end of twenty years from the date on which this by-law takes effect and to bear interest at a rate not exceeding four per cent. per annum, payable yearly on the first day of April in each and every year during the currency of the said debentures.

2. The said debentures as to principal and interest shall be payable at the office of the Treasurer of the said Municipality.

3. It shall be lawful for the Mayor of the said Municipality and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the Treasurer of the said Municipality, and the Clerk of the said Municipality is hereby authorized and instructed to attach the seal of the said Municipality to the said debentures.

4. There shall be raised and levied in each year by special rate on all the rateable property in the said Municipality a sum sufficient to discharge the said interest, namely, the sum of one thousand dollars, and a further sum sufficient to provide for the said sinking fund, namely, the sum of nine hundred and thirty dollars and forty cents.

5. This by-law shall take effect on the first day of April, A.D. 1898.

6. The votes of the ratepayers of the said municipality shall be taken on this by-law at the following times and places, that is to say, on Monday the Fourteenth day of March next, at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon of the same day :—

St. Andrew's Ward, at the town hall, Walter H. Manning, deputy returning officer.

St. James' Ward, at John Stewart's basket factory, T. D. Johnston, deputy returning officer.

St. John's Ward, at Frederick Rumball's carriage factory, Huron street, Thos. Cottle, deputy returning officer.

St. George's Ward, at John Leslie's carriage factory, Huron street, S. J. Andrews, deputy returning officer.

7. On Monday the Seventh day of March the Mayor shall attend at the Council Chamber at Ten o'clock to appoint persons to attend at the various polling places and at the final summing up of the votes by the Clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this by-law.

8. The Clerk of the council of the said municipality shall attend at the Town Hall in the said Town of Clinton at Ten o'clock in the forenoon of Tuesday the Fifteenth day of March, 1898, and sum up the number of votes given for and against the by-law.

Dated at the Town of Clinton this Seventh day of February, A.D. 1898.

~~~~~  
{ L.S. }  
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(Sgd.) ROBERT HOLMES,
Mayor.
(Sgd.) WILLIAM COATS,
Clerk.

SCHEDULE B.

Agreement made and entered into this seventh day of June, A.D. 1898.

Between the Corporation of the Town of Clinton (hereinafter called the "Corporation"), of the first part, and William Doherty of the Town of Clinton, trading under the name and style of firm of W. Doherty & Co. (hereinafter called the "said firm") of the second part.

Whereas, the factory for the manufacture of organs of the said firm in the said town has been destroyed by fire, and they have, in consideration of the loan hereinafter mentioned, proposed to rebuild in the said town.

And whereas the said Corporation has proposed to assist the said firm in the erection and carrying on of their factory and business aforesaid by means of a loan of twenty thousand dollars without interest for twenty years, to be raised by the issue of debentures of the said Corporation.

These presents, therefore, witness that the parties hereto covenant and agree with each other as follows:

1. The said corporation hereby agrees to apply for and to take all proper steps at the next sitting of the Ontario Legislature, and use every endeavor to procure the necessary legislation to confirm By-law No. 7 for 1898 of the said Corporation, passed to raise by loan the sum of \$25,000 for the purpose therein and hereinbefore mentioned.

2. An immediately upon the passage of an Act confirming the said By-law to issue such debenture or debentures of the said Corporation under the authority of the said By-law and Act so as to realize twenty-five thousand dollars lawful money of Canada, and to advance the said sum, by way of a loan, to the said firm for a period of twenty years from the date of the advance without interest, and that the said Corporation shall and will at any time during the said term accept repayment of the whole or any part of the said loan.

The said firm hereby covenants and agrees with the said Corporation as follows :

1. That they shall repay to the said corporation the said loan at or before the expiration of twenty years from the date when the loan shall have been advanced to them.

2. That they shall not carry on manufacturing operations during the said term elsewhere than at the said town of Clinton, and their main business office shall also be located in the said town.

3. The said firm shall forthwith after the execution of these presents proceed to erect and complete upon the following lands selected, and to be the property of the party of the second part, being all and singular those certain parcels or tracts of land situate, lying and being in the town of Clinton, in the county of Huron, and being composed of lots numbers thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-nine, fifty, fifty-one, fifty-two, fifty-three and fifty-four in Bowden's survey of the said town of Clinton, together with the pond and well situate upon lot number nin teen in the said Bowden's survey, the piping connecting the same with the factory of the said William Doherty & Co., and all the appurtenances and the privileges connected therewith, the following buildings and erections, viz :—

One building about 50 x 200, two stories.

One building about 50 x 275, two stories.

One building about 30 x 30, one story, for engine room.

One building about 31 x 106, one story, for dry kiln.

One building about 30 x 55, one story, for boiler room.

All of the said buildings to have brick walls and to be practically fire-proof. The building 50 x 275 to have a fire-wall through the centre thereof.

4. That they shall have the said buildings properly furnished and provided with necessary machinery and plant, and in full running order within six months from the date hereof, and of sufficient capacity for the manufacture and completion of five hundred organs per month.

5. That they will, during the whole of the said term maintain or carry on in the said town such factory or a similar one having such or similar capacity.

6. That they shall during the whole of the said term, after the first six months employ and keep employed in their said factory an average of not less than one hundred employees.

7. That they shall within three months, and thence during the whole of the said term, insure and keep insured in well established insurance companies their said factory, buildings, plant and stock, for a sum not less than fifty thousand dollars, and shall permit the policies to be inspected from time to time by the mayor or other head of the said corporation.

8. That they shall not during the currency of the said loan, mortgage or otherwise encumber the said land, buildings, plant or machinery.

9. It is hereby further understood and agreed on the part of the said firm, and this agreement is entered into by the said corporation upon the express understanding and agreement, that in the event of a sale or an encumbrance of the said land, factory or plant to be erected and maintained as aforesaid, or of the removal of the business of the said firm from the said town, or of the permanent closing down of the said works for any cause whatever, or if the said party of the second part shall fail for a continuous period of six months to employ in the said works an average of one hundred employees, except in case of destruction of the said works

by a further fire ; [in which case the period of eight months shall be permitted and allowed to rebuild and restore the said works], then and in every such event the said loan shall immediately become due and payable, and the said loan or such sum as may then be due and unpaid on account thereof, shall from the time of such default be a first lien upon the said land and premises and appurtenances hereinbefore set forth in paragraph three.

10. The heirs, executors, administrators and assigns of the member or members of the said firm, and every of them shall be bound by this agreement.

In witness whereof the parties have hereto set their hands and seals.

Signed, sealed and delivered	(Sgd.)	ROBT. HOLMES,
in the presence of		Mayor.
(Sgd.) JAMES SCOTT.	(Sgd.)	WILLIAM COATS,
		Clerk.

{ L.S. }

(Sgd.) WILLIAM DOHERTY.

1st Session, 9th Legislature, 62 Vic., 1898.

BILL.

An Act to confirm By-Law No. 7 for 1898, of the Town of Clinton, and to authorize the issue of Deputures thereunder and to confirm an Agreement made between the said Corporation and the firm of W. Doherty & Co.

First Reading 19th August, 1898.

Second Reading 23rd August, 1898.

(Private Bill.)

Mr. GARROW.

TORONTO :

PRINTED BY L. K. GAMMON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting Voters' Lists in certain Cities.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following provisions of this Act shall apply and be Application and duration of Act, Rev. Stat., c. 7.
 5 in force until the 1st day of January, 1899, in every city to which part 2 of *The Ontario Voters' Lists Act* does not apply, and the council of which shall by by-law declare this Act in force therein; but this Act shall not apply to the City of Toronto.
- 10 2.—(1.) Immediately after the return by the assessor of the assessment roll to the clerk, and without waiting for the revision and correction thereof by the Court of Revision or the Judge, the clerk shall make out a correct alphabetical list of all persons appearing by the assessment roll to be entitled Clerk of city may make up list without waiting for revision of roll.
 15 to be voters in the city, prefixing to the name of each person his number upon the said roll as heretofore; and shall within forty days after receiving the assessment roll cause two hundred copies of the said list to be printed in pamphlet form, and the clerk besides delivering or transmitting the copies
 20 mentioned in that behalf in *The Ontario Voters' Lists Act* shall deliver one copy to the Assessment Commissioner. Rev. Stat., c. 7.
- (2.) A larger number of copies may be printed if the city council, by resolution or otherwise, so decide or authorize.
3. The alphabetical list made by the clerk on receiving the List to be deemed voters' list for revision by county judge.
 25 assessor's roll shall be deemed the list of voters which is subject to revision by the County Judge, under section 13 of *The Ontario Voters' Lists Act*, and the provisions of that Act which have reference to the alphabetical list therein mentioned shall apply to the lists provided for by this Act.
- 30 4. The time for giving notice of any complaint to be made to the judge under section 13 of *The Ontario Voters' Lists Act* shall be thirty days after the clerk has posted up the said list in his office. Time for appeal to judge.

Proclamation
that Act is in
force.

5. The council of any city which shall by by-law declare this Act to be in force shall cause the said by-law and this Act to be published at least once a week, for four successive weeks, in each of two newspapers published in the municipality; and the mayor of the city shall, within one week after the passing of the by-law, issue a proclamation of the passing thereof, which shall set out the provisions of this Act and give notice that the same is in force in the municipality, and such proclamation shall be posted up in at least twenty conspicuous places in each ward in the city. 5 10

1st Session, 9th Legislature, 62 Vict., 1898.

BILL.

An Act respecting Voters' Lists in certain Cities.

First Reading, 22nd August, 1898.

The Attorney-General.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 5.]

BILL.

[1898.

An Act to Correct certain Clerical and Typographical
Errors in the Revised Statutes of Ontario, 1897.

HER MAJESTY, by and with the advice and consent of ^{Acts set out} the Legislative Assembly of the Province of Ontario, ^{in Schedule} amended,
enacts as follows:—

1. The Acts and parts of Acts mentioned in the Schedule to ^{Commence-}
5 this Act are hereby amended in the manner set forth in the ^{ment of Act}
last column of the said Schedule.

2. The said amendments shall be deemed to have been in
force on and from the 31st day of December last.

SCHEDULE.

Act amended.	Section.	Manner in which amended.
(1) An Act respecting Appeals to Her Majesty in Her Privy Council (R.S.O. 1897, c. 48).	Section 4, line 1.	By substituting "Rules" for "Entry."
(2) The Land Titles Act (R.S.O. 1897, c. 138).	Section 169, subsec. 7.	By substituting "1887" for "1897." [See 60 V. c. 21, s. 6.]
(3) The Mechanics and Wage Earners' Lien Act (R.S.O. 1897, c. 153)	Sec. 27, subsec. 2, line 3.	By substituting "lieu" for "lien."
(4) The Ontario Insurance Act (R.S.O. 1897, c. 203)	Section 185, line 8.	By substituting "Chapter 222" for "Chapter 183."
(5) The Municipal Act (R.S.O. 1897, c. 223).	Section 290, line 6.	By substituting "Sections 537 and 538" for "Section 538." [See s. 537, (1a).]
(6) Same Act.	Section 375, line 8.	By substituting "or neighbouring" for "neighbouring or."

Act amended.	Section.	Manner in which amended.
(7) Same Act.	Section 539, clause 3, line 11.	By substituting "four" for "five." [See s. 384 (8).]
(8) Same Act.	Section 542, clause 15, lines 6 and 7.	By substituting "The Act for the prevention of Accidents by Fire in Hotels and other like Buildings" for "The Liquor License Act."
(9) Same Act.	Section 545, clause 3, lines 6 and 7.	By striking out "and the Ditches and Watercourses Act."
(10) Same Act.	Section 554, line 4.	By inserting "townships" after "towns."
(11) Same Act.	Section 583, clause 15, line 4.	By substituting "clauses 2 and 14" for "clause 14."
(12) Same Act.	Section 583, clause 16, line 2.	By inserting after the word "but" the following, "in cities having a population of 100,000 or over" [See
(13) Same Act.	Section 700, line 5.	By substituting "municipality" for "city." [See 57 L. c. 50, s. 17.]

No. 5.

1st Session, 9th Legislature, 62 Vict., 1898.

BILL.

An Act to Correct certain Clerical and
Typographical Errors in the Revised
Statutes of Ontario, 1897.

First Reading, 22nd August, 1898.

The Attorney-General.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In the case of any river, stream or creek flowing through or in the neighborhood of a municipality, the municipal corporation thereof for the purpose of preventing damage to property within the municipality by floods arising from the overflowing or damming back of such river, stream or creek, may acquire by purchase, lease or otherwise land in such municipality or in any adjoining or neighboring municipality, and may construct such works thereon, or perform such work in respect thereof as they may deem necessary, and may also for the purpose aforesaid deepen, widen, straighten or otherwise improve such river, stream or creek upon the land so acquired, or remove therefrom islands, rocks or other natural obstructions to the free flow of the water in such river, stream or creek ; and may expend such moneys for all such purposes as may lawfully be appropriated therefor by the municipality, or may make such contracts in respect thereof as in the opinion of the council may be necessary for the purposes aforesaid ; and the council of any municipality may from time to time pass by-laws for any or all of the said purposes, in the manner provided by the Municipal Act as to the passing of by-laws.

Works for prevention of damage by flooding.

2. In case other lands than those so acquired are injuriously affected by any works undertaken under this section the owners or occupiers, or other persons interested in such lands shall be entitled to compensation and sections 438 to 447 of *The Municipal Act* shall apply thereto.

Compensation for lands injured.

Rev. Stat ,
c. 223.

1st Session, 9th Legislature, 62 Vict., 1898

BILL.

An Act to amend the Municipal Act.

First Reading, 23rd August, 1898.
Second Reading, 23rd August, 1898.

The Attorney General.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 7.]

BILL.

[1899.

An Act respecting The Ontario Lands and Oil Company, Limited.

WHEREAS The Ontario Lands and Oil Company, Limited, **Preamble.**
was incorporated under *The Imperial Companies Acts, 1862-1890*; and whereas certain of the objects for which the Company was established were to carry on business in Canada; and whereas the said Company has since its incorporation carried on, and still carries on, business in this Province; and whereas it is expedient to afford to the Company facilities in carrying on its business in this Province; and whereas the Company has prayed that an Act may be passed for the purpose aforesaid and it is expedient to grant the prayer of this petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

15 **1.** It shall be lawful for the Corporation created and constituted under the name of The Ontario Lands and Oil Company, Limited, under *The Imperial Companies Acts, 1862-1890*, to exercise the powers hereinafter mentioned within the Province of Ontario. **Power of company in Ontario.**

20 (a) To carry on the trades or businesses of oil distillers, oil merchants and oil refiners, and of manufacturers of chemical compounds, productions, materials and things, and also of artificial manure of all or any kinds, and to manufacture, purchase, deal in and sell oil, petroleum, chemical compounds, **Manufacture and sale of oil and products.**

materials and things, and also artificial manure of all kinds, and other matters of the like nature, and to transact all matters or business ordinarily incident to the carrying on of such trades and businesses.

Importing and dealing in oil, coal, etc.	(b) To buy, sell, manufacture, deal in, import or export oil, petroleum, timber, coal, stone, metals, minerals, chemical compounds and productions, artificial or other manure, and any other materials, articles or things.	5
Purchase of lands, oil wells, etc.	(c) To purchase, lease, take in exchange or otherwise acquire any lands, oil wells, oil refineries, chemical works, superphosphate or other works in the Province of Ontario, together with all or any part or parts of the buildings, machinery, tools, plant, effects, matters and things, upon or in any such lands, or works, and all or any of the rights, powers, privileges, easements and appurtenances appertaining thereto.	10 15
Construction of works.	(d) To construct, erect, carry out, maintain, improve, manage, work, control and superintend any roads, ways, tramways, railways, bridges, reservoirs, tanks, watercourses, aqueducts, wharves, furnaces, saw-mills, crushing works, hydraulic works, electrical works, factories, buildings, stores, warehouses, ships, vehicles of all kinds, machinery, plant and appliances, and other works and conveniences for the aforesaid purposes.	20
Cultivating lands of company.	(e) To cultivate and carry on the business of cultivators of the lands and property of the Company, and of makers of, and dealers in, the produce of the cultivation of the Company's lands and property.	25
Purchasing business of other concerns.	(f) To acquire and undertake the whole or any part of the business, property and liabilities of any person, persons or company in the Province of Ontario carrying on any business which this Company is authorized to carry on, or possessed of property suitable for the purposes of this Company, and to pay for the same by shares, debentures, bonds, cash or otherwise.	30
Agreements with other concerns.	(g) To enter into partnership or into any arrangement for sharing profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise, with any person or company in the Province of Ontario carrying on, or engaged in, or about to carry on or engage in any business or transaction which this company is authorized to carry on or engage in, or any business or transaction capable of being conducted so as, directly or indirectly, to benefit this Company, and to lend money to guarantee the contracts of or otherwise assist any such person or company; and to take or otherwise acquire shares and securities of any such company, and to sell, hold, re-issue, with or without guarantee, or otherwise deal with the same.	35 40 45
Debentures	(h) To borrow or raise money by the issue of debentures or debenture stock, perpetual or otherwise, charged upon all or any part of the Company's property and assets, both present and future, or securities and instruments held by the Company.	

- (i) To sell, improve, manage, develop, lease, mortgage, dispose of, let out for hire, turn to account or otherwise deal with or make any arrangement for the working of all or any part of the property of the Company, or the whole or any part of
 5 any business, lands, property, rights, privileges or assets of any kind whatever of the Company for the time being, or any undivided or other share or interest therein respectively in any mode, and upon any terms, and for a consideration payable in cash, shares, debentures or otherwise. Disposal of property of company.
- 10 (j) To establish agencies and appoint agents in connection with any part of the Company's business, and to make, with power to modify, or rescind such agreements with them as may be thought fit. Agencies and agents.
- 15 (k) To apply for, take out, purchase or otherwise acquire patents and patent rights, trade marks and names, copyrights and all other similar rights and privileges in anywise related to or connected with the Company's business. Patents, trade marks, etc.
- 20 (l) To draw, accept, endorse, negotiate, purchase or discount, hold and dispose of bills of exchange, promissory notes, bankers' drafts, warrants, bills of lading or any token or produce or merchandise, whether foreign or inland, or mortgages, bonds, debentures, shares or other securities; provided, however, that the funds of the company shall not be expended in the purchase of, or lent upon the security of its own shares. Negotiable instruments.
- 25 (m) To promote, finance, or otherwise assist any company, or to finance or otherwise assist any person or persons carrying on business of the same kind as may be in any manner conducive to the success or prosperity of the business or any part thereof carried on by the Company. Assistance to other companies.
- 30 (n) To do all such other things as are incidental or conducive to the attainment of the above objects. General powers in Act.
2. Nothing in this Act contained shall extend or be deemed or taken to incorporate the said Company as a new corporation, or to relieve or discharge the company from any liabilities, contracts or obligations whatsoever, which by law it is
 35 now or at any time hereafter may be subject or liable to. Company not a new corporation.
3. The Company shall deposit in the office of the Provincial Secretary a duly executed power of Attorney under its common seal, empowering some person therein named and
 40 residing in the Province of Ontario to act as its attorney, and to sue and be sued, plead or be impleaded in any Court, and, generally, on behalf of such Company and within the said Province to accept service of process and to receive all lawful notices, and for the purpose aforesaid to do all acts and to
 45 execute all deeds and other instruments relating to the matters within the scope of the power of attorney, and such Company may, from time to time, by a new or other power of attorney executed and deposited as aforesaid, appoint another attorney within the Province for the purposes aforesaid to replace the
 50 attorney formerly appointed. Power of attorney for Ontario.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting The Ontario Lands and
Oil Company, Limited.

First Reading,	February, 1897.
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(Private Bill).

MR. PARDEE.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 8.]

BILL.

[1899.

An Act to Incorporate the Toronto, Lindsay and Pembroke Railway Company.

WHEREAS the construction of a railway from a point at Preamble.
or near Golden Lake, in the County of Renfrew, to a
point on the line of the Irondale, Bancroft and Ottawa Railway
or the Central Ontario Railway, in the County of Hastings is
5 desirable; and whereas the persons hereinafter named have by
their petition prayed that they may be incorporated for the
purpose of constructing and operating such railway; and
whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent
10 of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. William Russell the Younger, Francois E. Fortin, Joseph Incorporation
A. Thibodeau, Robert W. Gordon and John G. Forgie, all of
the Town of Pembroke, in the County of Renfrew, together
15 with all such other persons and corporations as shall become
shareholders in the company hereby incorporated, shall be and
are hereby constituted a body corporate and politic by the
name of "The Toronto, Lindsay and Pembroke Railway
Company."

20 2. The said company shall have full power and authority Location of
to survey, lay out, construct, complete, equip and operate a lines.
railway from a point at or near Golden Lake, in the County of

Renfrew, to a point on the line of the Irondale, Bancroft and Ottawa Railway or the Central Ontario Railway, in the County of Hastings.

2a. The said company may equip and operate the said railway either with steam, electricity or compressed air, and if with electricity or compressed air shall have power to sell any surplus electricity or compressed air for light, heat and power purposes. 5

Gauge. 3. The gauge of the said railway shall be four feet, eight and one-half inches. 10

Provisional directors. 4. The said William Russell, the Younger, Francois E. Fortin, Joseph A. Thibodeau, Robert W. Gordon and John G. Forgie, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum and shall hold office as such until the first election of directors under this Act. 15

Powers of provisional directors. 5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls on subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or dispositions of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors, to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the Town of Pembroke, in the County of Renfrew, or at such other place as may best suit the interests of the said company. 20 25 30 35 40

Conveyance of land to company. 6. Conveyances of land to the said company for the purposes of this Act made in the form set forth in the Schedule A to this Act, or to the like effect, shall be sufficient conveyance 45

to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such
 5 proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed upon the duplicates thereof.

10 **7.** No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. Subscriptions
for stock when
binding.

15 **8.** The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures, or other
 20 securities for money, or by the way of guarantee upon such terms and conditions as may be agreed upon. Aid to railway.

9. The capital stock of the company hereby incorporated shall be \$250,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided
 25 into two thousand five hundred shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act,
 30 and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act; and until such preliminary expenses shall be paid
 35 out of such capital stock, the municipal corporation of any municipality on or near the line of such works may by resolution, of which seven days previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of said municipality to pay out
 40 of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock. Capital stock.

45 **10.** When and as soon as shares to the amount of \$50,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the First election
of directors.

credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in *The Ontario Gazette* and in one or more newspapers published in the said Town of Pembroke, of the time, place and purpose of said meeting. 5

Number of
directors and
quorum.

11. At such general meeting the shareholders present either in person or by proxy, who shall, at the opening of such meeting have so paid up ten per centum on the stock subscribed by them, shall elect five persons to be directors of the said company, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*. 10 15

When calls
may be made.

12. The directors may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided by section 10 of this Act. 20

Qualifications
of directors.

13. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all claims thereon. 25

Payments in
stock or
bonds.

14. The provisional directors or the elected directors may pay or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for the right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for purchasing the right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not and any agreement so made shall be binding on the company. 30 35

General annual
meeting.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the said Town of Pembroke or in such other place and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said Town of Pembroke during the four weeks preceding the week in which such meeting is to be held. 40 45

16. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

General meetings.

17. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway or through any part of which or near which the railway or works of the said company shall pass or be situate may aid the said company by giving money or debentures by way of bonus, gift or loan or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified rate-payers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect of granting aid by way of bonuses to railways.

Aid from municipalities.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :—

Submitting bonus by laws.

1. The proper petition shall first be presented to the Council, expressing the desire to aid the railway, and stating in what way and for what amount, and the Council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of fifty residential freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

3. In case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto as aforesaid.

4. In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.

19. Such by-law shall in each instance provide :—

By-law, what to contain.

1. For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be)

mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

5

2. For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and in such cases respectively.

Petition
against aid
from county.

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the County Council against submitting the said by-law, upon the ground that certain minor municipalities or portions comprised in the said by-law, would be injuriously affected thereby or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference, the said Council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon at the option of the railway company be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

"Minor
municipality,"
meaning of.

21. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality.

40

Deposit to be
made before
by-law
submitted.

22. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to pass
by-law if
assented to by
ratepayers.

23. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

45

24. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustee or trustees to be appointed under this Act.

Issue of
debentures.

25. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Levying rates
on portion of
municipality.

26. The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Application of
provisions of
Rev. Stat.
c. 207.

27. The councils of all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Councils may
extend time
for com-
mencement.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus, from time to time; provided that no such extension shall be for a longer period than one year at a time.

Councils may
extend time
for comple-
tion.

29. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

Extent of aid
from municipi-
palities.

30. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, by way of commutation or composition, for payment or in lieu of all or any municipal

By-laws grant-
ing exemption
from taxation

rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

5

Gifts of lands. **31.** Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

15

Power to purchase whole lots.
Rev. Stat.
c. 207. **32.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section

Acquiring material for construction.
Rev. Stat.
c. 207. **33.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration, as in the case acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

34—(1). When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as to relate to filing plans and publications of notices shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right of way may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Sidings to
gravel pits.
Rev. Stat.
c. 207.

(2). When estimating the damages for the taking gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

35. The said company shall have the right, on and after the 1st day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Power to erect
snow fences.

36. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to some chartered bank doing business in the province or to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing, of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council and in case any trustee dies or resigns his trust or goes to live out

Appointment
of trustees.

of the Province of Ontario, or otherwise becomes incapable of acting, his trustee-ship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Receiving and
paying out
amounts of
bonuses.

37. The said bank or said trustees shall receive the said 5 debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to the time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in 10 some chartered bank having an office in the Province of Ontario, in the name of "The Toronto, Lindsay and Pembroke Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting 15 the said bonus, and on the certificates of the chief engineer of the said railway for the time being, in the form set out in Schedule B. hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order 20 drawn by said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor. 25

Remuneration
of trustees.

38. The said bank or the said trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Bonding
powers.

39. The directors of the said company shall have power to 30 issue bonds of such company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$15,000 for each mile of the said railway, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway* 35 *Act of Ontario*, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-section.

Negotiable
instruments.

40. The said company shall have power and authority to become parties to promissory notes and bills of exchange for 40 sums of not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company and under authority of a quorum of the directors, shall be binding on the said company, 45 and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be

necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or secretary be individually responsible for the same unless the said promissory notes or bills of exchange
 5 have been issued without the sanction and authority of the directors as herein provided and enacted ; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as
 10 the notes or bills of a bank.

41. The said company may from time to time for advances Pledge bonds. of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway.

15 42. It shall be lawful for the directors of the company to Power to lease rolling stock. enter into an agreement with any company or companies, if lawfully authorized to enter into such an agreement, person, or persons for the leasing, hiring or use of any locomotives, carriages, rolling stock and other moveable property from such
 20 companies or persons for such time or times and on such terms as may be agreed on, and also to enter into any agreement with any railway company or companies if so lawfully authorized for the use by one or more of such contracting companies of locomotives, carriages, rolling stock and other
 25 moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

43. The said company is authorized and empowered to make necessary arrangements to contract and agree with the Amalgamation with other companies Ottawa, Arnprior and Parry Sound Railway Company ;
 30 the Irondale, Bancroft and Ottawa Railway Company ; Central Ontario Railway Company and the Grand Trunk Railway Company, or either of them, if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that the terms of such amalgamation are
 35 approved of by two-thirds in value of the shareholders, voting either in person or by proxy at a special general meeting to be called for that purpose in accordance with this Act.

44. The said company shall have power to agree for connec- Connections with other companies. tions and make running arrangements with the Ottawa, Arnprior and Parry Sound Railway Company, the Irondale, Bancroft and Ottawa Railway Company, the Central Ontario Railway Company and the Grand Trunk Railway Company, or either of them, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the share-
 45 holders at a special general meeting to be held for that purpose and it shall also be lawful for the said company to enter into an agreement with the said railway companies, or either of

them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or both or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Telegraph and
telephone
lines.

Rev Stat.
c. 192.

Power of
aliens.

Transfer of
shares.

Further
powers.

45. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being Chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the said company.

46. Aliens, and companies incorporated abroad, as well as British subjects and corporations may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office in the said company.

47. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

48. The said company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers and freight and other traffic in connection with the railway.

49. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same 5 lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Collection of charges.

50. The said railway shall be commenced within three 10 years and completed within six years from the passing of this Act. Time of commencement.

51. The directors of the said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or 15 any part thereof, including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or in bonds, or in paid-up stock; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy 20 at a meeting specially convened for considering the same. Contracts for construction and equipment.

52. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and shall be deemed to be part of this Act and shall apply to the said company and to the railway to be constructed by 25 them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Railway Act and of every Act of amendment thereof, so incorporated with this Act. Incorporation of provisions of Rev. Stat. c. 207.

SCHEDULE A.

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by the Toronto, Lindsay and Pembroke Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purpose of their railway, to hold with the appurtenances unto the said The Toronto, Lindsay and Pembroke Railway Company, their successors and assigns forever (here insert any other clauses, covenants and conditions requirsd) and I (or we) the wife (or wives) of the said do hereby bar my (or our dower) in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of 18

Signed, sealed and delivered in the presence of,

[L.S.]

SCHEDULE B.

CHIEF ENGINEER'S CERTIFICATE.

The Toronto, Lindsay and Pembroke Railway Company's Office,

No.

Engineer's Department.

A.D. 18

Certificate to be attached to cheques drawn on The Toronto, Lindsay and Pembroke Railway Company Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., chief engineer of The Toronto, Lindsay and Pembroke Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. of the township of (or under the agreement dated the day of 18 between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled).

No. 8.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to incorporate the Toronto, Lindsay
and Pembroke Railway Company.

First Reading, , 1899.

(Private Bill.)

Mr. FOX.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty

No. 8.]

BILL.

[1899,

An Act to Incorporate the Toronto, Lindsay and Pembroke Railway Company.

WHEREAS William Russell, the younger, Francis E. Fortin, Joseph A. Thibodeau, Robert W. Gordon and John C. Forgie, all of the Town of Pembroke, in the County of Renfrew, have by their petition prayed for an Act of incorporation under the name of "The Toronto, Lindsay and Pembroke Railway Company" for the purpose of constructing, maintaining and operating a steam railway from a point at or near Golden Lake in the Township of South Algona, thence in a south-westerly direction passing through the Townships of Hagarty, Brudenell, Radcliffe and Raglan in the County of Renfrew and the Townships of Carlow, Monteagle and Dunganon in the County of Hastings to the Village of Bancroft in the Township of Faraday in the said county; and whereas it is expedient to grant the prayer of the said petition: Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. William Russell the Younger, Francois E. Fortin, Joseph A. Thibodeau, Robert W. Gordon and John G. Forgie, all of the Town of Pembroke, in the County of Renfrew, and William H. S. McCallum, of the City of Toronto, together with all such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be and Incorporation.

are hereby constituted a body corporate and politic by the name of "The Toronto, Lindsay and Pembroke Railway Company," ~~and~~ hereinafter called "the company."

Location of
line.

2. The company shall have full power and authority to survey, lay out, construct, complete, equip and operate a *steam* railway from a point at or near Golden Lake, ~~and~~ in the Township of South Algona in the County of Renfrew, thence in a south-westerly direction, passing through the Townships of Hagarty, Brudenell, Radcliffe and Raglan in the said County of Renfrew, and the Townships of Carleton Place, Monticello and Dungannon in the County of Hastings, to the Village of Bancroft in the Township of Faraday in the said county. ~~and~~

Gauge.

3. The gauge of the said railway shall be four feet, eight and one-half inches.

Provisional
directors.

4. The said William Russell, the Younger, Francois E. Fortin, Joseph A. Thibodeau, Robert W. Gordon, John G. Forgie ~~and~~ and William H. S. McCallum, with power to add to their number, ~~and~~ shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum and shall hold office as such until the first election of directors under this Act.

Powers of
provisional
directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls on subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors, to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the Town of Pembroke, in the County of Renfrew, or at such other place as may best suit the interests of the company.

6. Conveyances of land to the company for the purposes of *Conveyance of land to company.* and powers given by this Act made in the form set forth in Schedule A to this Act, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. *Subscriptions for stock when binding.*

8. The company may receive from any government or *Aid to railway.* from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

9. The capital stock of the company hereby incorporated shall be \$500,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 5,000 shares of \$100 each, and shall be raised by the persons and corporatins who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works may by resolution, of which seven days previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of said municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock. *Capital stock.*

10. When and as soon as shares to the amount of \$50,000 of capital stock in said company shall have been subscribed and *First election of directors*

ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice by advertisement in *The Ontario Gazette* and in one or more newspapers published in the said Town of Pembroke, of the time, place and purpose of said meeting.

Number of
directors and
quorum.

11. At such general meeting the shareholders present either in person or by proxy, who shall, at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect five persons to be directors of the company, in manner and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

When calls
may be made.

12. The directors may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided by section 10 of this Act.

Qualifications
of directors.

13. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all claims thereon.

Payments in
stock or
bonds.

14. The provisional directors or the elected directors may pay or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for the right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for purchasing the right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not and any agreement so made shall be binding on the company.

General an-
nual meeting.

15. ~~12~~ The head office of the company shall be at the said Town of Pembroke, and ~~the~~ the general annual meeting of the shareholders of the company shall be held in such place in the said Town of Pembroke or in such other place and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least

four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said Town of Pembroke during the four weeks *immediately* preceding the week in which such meeting is to be held

16. Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section. General meetings.

17. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway or through any part of which or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures by way of bonus, gift or loan or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified rate-payers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. Aid from municipalities.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :— Submitting bonus by-laws.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

2. In the case of a county municipality the petition shall be that of a majority of the ~~the~~ members of the county council or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

3. In the case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto as aforesaid.

4. In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.

By-law, what
to contain.

19. Such by-law shall in each instance provide:—

1. For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

2. For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Petition
against aid
from county.

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the County Council against submitting the said by-law, upon the ground that certain minor municipalities or portions *thereof* comprised in the said by-law, would be injuriously affected thereby or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon at the option of the railway company be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

“Minor
municipality,”
meaning of.

21. The term “minor municipality” shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality.

Deposit to be
made before
by-law
submitted.

22. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to pass
by-law if
assented to by
ratepayers.

23. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that

behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

24. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees *appointed* or to be appointed under this Act. Issue of debentures.

25. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality. Levying rates on portion of municipality.

26. The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. Application of provisions of Rev. Stat. c. 207.

27. The councils for all corporations that may grant aid by way of bonus to the company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year. Councils may extend time for commencement.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company by resolution or by-law to extend the time for the completion of the work, (on the completion of which the said company would be entitled to such bonus) from time to time; provided that no such extension shall be for a longer period than one year at a time. Councils may extend time for completion.

29. Any municipality or portion of a township municipality interested in the construction of the road of the company may grant aid by way of bonus to the company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein. Extent of aid from municipalities.

30. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes or in which it is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality either in whole or in part, By-laws granting exemption from taxation.

from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of lands.

31. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Power to purchase whole lots.
Rev. Stat.
c. 207.

32. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring material for construction.
Rev. Stat.
c. 207.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause an *Ontario* land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

34—(1). When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as to relate to filing plans and publications of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2). When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

35. The company shall have the right, on and after the 1st day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

36. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the company and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing, of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council and in case any trustee dies or resigns his trust or goes to live out

of the Province of Ontario, or otherwise becomes incapable of acting, his trustee-ship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Receiving and
paying out
amounts of
bonuses.

37. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Toronto, Lindsay and Pembroke Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B. hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Remuneration
of trustees.

38. The said trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Bonding
powers.

39. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$15,000 for each mile of the said railway, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario*, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections.

Negotiable
instruments.

40. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary of the company and under the authority of a quorum of the directors, shall be binding on the company and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be

necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

41. The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway. Pledge bonds.

42. It shall be lawful for the directors of the company to enter into an agreement with any company or companies, if lawfully authorized to enter into such an agreement, person, or persons for the leasing, hiring or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons for such time or times and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies if so lawfully authorized for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon. Power to lease rolling stock.

43. The company is authorized and empowered to make necessary arrangements to contract and agree with the Ottawa, Arnprior and Parry Sound Railway Company; the Irondale, Bancroft and Ottawa Railway Company; the Central Ontario Railway Company and the Grand Trunk Railway Company of Canada, or either of them, if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders, voting either in person or *represented* by proxy at a special general meeting to be called for that purpose in accordance with this Act. Amalgamation with other companies

44. The company shall have power to agree for connections and make running arrangements with the Ottawa, Arnprior and Parry Sound Railway Company, the Irondale, Bancroft and Ottawa Railway Company, the Central Ontario Railway Company and the Grand Trunk Railway Company of Canada, or either of them, if lawfully empowered to enter into such agreements, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose and it shall also be lawful for the said company to enter into an agreement with the said railway companies, or either of Connections with other companies.

them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or both or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Telegraph and
telephone
lines.

Rev. Stat.
c. 192.

45.  The company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being Chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company. 

Power of
aliens.

46. Aliens, and companies incorporated abroad, as well as British subjects and corporations may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as *directors* in the company.

Transfer of
shares.

47. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Further
powers.

48. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be

found superfluous for any such purpose, and the company shall have power to hold as part of the property of the company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers and freight and other traffic in connection with the railway.

49. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Collection of charges.

50. The said railway shall be commenced within three years and completed within six years from the passing of this Act. Time of commencement

51. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and shall be deemed to be part of this Act and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof, so incorporated with this Act. Incorporation of provisions of Rev. Stat. c. 207.

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by the Toronto, Lindsay and Pembroke Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said The Toronto, Lindsay and Pembroke Railway Company, their successors and assigns forever (here insert any other clauses, covenants and conditions requirsd) and I (or we) the wife (or wives) of the said do hereby bar my (or our dower) in the said lands.

As witness my (or our) hand and seal (or hands and seals) this
day of 18

Signed, sealed and delivered in the presence of,

[L.S.]

SCHEDULE B.

(Section 37.)

CHIEF ENGINEER'S CERTIFICATE.

The Toronto, Lindsay and Pembroke Railway Company's Office,

No.	Engineer's Department.	A.D. 18
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Certificate to be attached to cheques drawn on The Toronto, Lindsay and Pembroke Railway Company Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., chief engineer of The Toronto, Lindsay and Pembroke Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. of the township of (or under the agreement dated the day of 18 between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled).

No. 8.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to incorporate the Toronto, Lindsay
and Penbrooke Railway Company.

First Reading, 15th February, 1899.

*(Reprinted as amended by Railway
Committee.)*

Mr. FOX.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty

No. 9.]

BILL.

[1899.]

An Act respecting the Church of the Holy Trinity, Toronto.

WHEREAS on the thirty-first day of March in the year Preamble
one thousand eight hundred and eighty-one the Bishop
of the Diocese of Toronto executed the declaration of trust set
out in the Schedule to this Act concerning certain property
5 held by him and his successors in the See for the benefit of the
Church of the Holy Trinity in the City of Toronto; and
whereas it appears that the said property was purchased out
of moneys given for the purpose of building the said Church
and that no provision has been made for maintaining the
10 fabric of the said Church in repair; and whereas the said
declaration of trust was not made in pursuance of any con-
dition or agreement annexed to the donation of the said
moneys; and whereas the Rector and Churchwardens of the
said Church have presented a petition praying that the trusts
15 aforesaid may be varied as hereinafter mentioned; and
whereas the Bishop of the said Diocese of Toronto and the
Synod of the said Diocese of Toronto have concurred in the
said petition and it is expedient to grant the prayer of the
Petitioners.

20 Therefore, Her Majesty by and with advice and consent of
the Legislative Assembly of the Province of Ontario enacts as
follows:—

1. The said declaration of trust is hereby varied by adding Declaration of
trust varied.
thereto the following clause;

Appropriation
of one tenth of
income to
maintenance
of fabric.

Upon the death of the Reverend John Pearson D. C. L. the present Rector of the said Church, or upon his resignation of the Rectory of the Church of the Holy Trinity, Toronto, which-
ever shall first happen, the income of the endowment of the
said Church shall thereafter be held by the Bishop of the 5
Diocese of Toronto and his successors upon trust as to
nine-tenths of the amount thereof for the benefit of the Rector
of the said Church, and as to the remaining one-tenth thereof
to be paid to the Churchwardens for the time being of the
said Church of the Holy Trinity, Toronto as the same shall be 10
received to be applied by them towards the maintenance of
the fabric of the said church of the Holy Trinity, Toronto and
the building used as vestry and chapel annexed thereto; and
for or towards the payment of any debt now or hereafter to be
incurred for the purpose of effecting any repairs to such build- 15
ings. And in the event of such one-tenth of the income of
the said endowment or any part thereof not being required to
be expended in any year for the purpose aforesaid, the same is
to be accumulated by the said Churchwardens until the same
shall be so required, and is not to be expended by them for 20
any other purpose whatsoever.

SCHEDULE.

TO ALL TO WHOM THESE PRESENTS SHALL COME I, ARTHUR, BY DIVINE
PERMISSION, BISHOP OF TORONTO, SEND GREETING :

Whereas by indentures of lease and release, dated respectively on or
about the twenty-first and twenty-second days of April, A. D. one thou-
sand eight hundred and forty-six, and made between John Langstaff the
Younger, of the Township of Markham, in the County of York, Gentle-
man, of the one part, and the Honourable and Right Reverend John Lord
Bishop of Toronto (since deceased), of the other part, in consideration of
twelve hundred pounds therein expressed, to be paid to the said John
Langstaff by the said John Lord Bishop of Toronto, he, the said John
Langstaff, did convey to the said John Lord Bishop of Toronto, and his
successors, all that certain parcel of land and premises situate, lying and
being in the City of Toronto, in the County of York, being composed of
part of lot number one on the south side of the street then called Newgate
Street, but now known as Adelaide Street, more particularly described as
follows : Commencing at the distance of three chains seventeen links from
the north-west angle of the said lot on a course south sixteen degrees east
at the centre of the block on the east side of Yonge Street, then north
seventy-four degrees, east three chains seventeen links. Then north
sixteen degrees, west fifty-one feet. Then south seventy-four degrees,
west three chains seventeen links to Yonge Street. Then south sixteen
degrees, east fifty-one feet to the place of beginning ;

And whereas by a certain memorandum bearing date the thirty-first
day of December, A. D. one thousand eight hundred and fifty-three, un-
der the hand of the said late John Lord Bishop of Toronto, it appears
that the said sum of twelve hundred pounds in the said indenture or
release mentioned was part of a sum of five thousand pounds sterling
placed in his hands for the building and endowment of a church in his
diocese, and that the above mentioned lands had been purchased by him

as and for an endowment of the Church of the Holy Trinity, situate in Trinity Square, near Yonge Street, in the said City of Toronto, being the church erected by the said bishop in pursuance of the trust aforesaid ;

And whereas the said above described lands are now vested in me as Bishop of Toronto for that purpose and no other, and it is expedient that the purpose for which the said lands are so held by me should be declared and made manifest :

Now therefore know ye that I, the said Bishop of Toronto, do hereby acknowledge and declare that the said lands and premises hereinbefore described were conveyed to my predecessor, the said John Bishop of Toronto, and his successors, to the intent that the same should be held forever thereafter by him and his successors as Bishops of Toronto upon the trust that the rents, issues and profits thereof, after deducting all such charges and disbursements as may be incurred in the care and management of said property and in the execution of the said trust may be appropriated and applied towards the support of the incumbent of that certain church of the Church of England, otherwise called the United Church of England and Ireland, situated in Trinity Square, near Yonge Street, in the City of Toronto, called the "Church of the Holy Trinity," and I do declare that I and my successors, Bishops of Toronto, shall and will stand seized of and interested in all the said hereditaments and premises in trust and upon and for the uses, intents and purposes aforesaid and none other whatsoever.

In witness whereof I have hereunto set my hand and seal this thirty-first day of March in the year of Our Lord one thousand eight hundred and eighty-one in duplicate.



Signed, sealed and delivered
in the presence of
WM. P. ATKINSON.

(S'gd) ARTHUR TORONTO.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Church of the Holy
Trinity, Toronto.

First Reading,	1897.
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(Private Bill.)

Mr. Foy.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 9.]

BILL.

[1899.

An Act respecting the Church of The Holy Trinity, Toronto.

WHEREAS on the thirty-first day of March in the year one thousand eight hundred and eighty-one the Bishop of the Diocese of Toronto executed the declaration of trust set out in the Schedule to this Act concerning certain property held by him and his successors in the See for the benefit of the Church of the Holy Trinity in the City of Toronto; and whereas it appears that the said property was purchased out of moneys given for the purpose of building the said Church and that no provision has been made for maintaining the fabric of the said Church in repair; and whereas the said declaration of trust was not made in pursuance of any condition or agreement annexed to the donation of the said moneys; and whereas the Rector and Churchwardens of the said Church have presented a petition praying that the trusts aforesaid may be varied as hereinafter mentioned; and whereas the Bishop of the said Diocese of Toronto and the *incorporated* Synod of the said Diocese of Toronto have concurred in the said petition,  and no opposition has been offered thereto,  and, *whereas*, it is expedient to grant the prayer of the Petition.

Preamble

Therefore, Her Majesty by and with advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. The said declaration of trust is hereby varied by adding thereto the following clause ;

Declaration of
trust varied.

Appropriation
of one tenth of
income to
maintenance
of fabric.

Upon the death of the Reverend John Pearson D. C. L. the present Rector of the said Church, or upon his resignation of the Rectory of the Church of the Holy Trinity, Toronto, which ever shall first happen, the income of the endowment of the said Church shall thereafter be held by the Bishop of the Diocese of Toronto and his successors upon trust as to nine-tenths of the amount thereof for the benefit of the Rector of the said Church, and as to the remaining one-tenth thereof to be paid to the Churchwardens for the time being of the said Church of The Holy Trinity, Toronto as the same shall be received to be applied by them towards the maintenance of the fabric of the said church of The Holy Trinity, Toronto and the building used as vestry and chapel annexed thereto; and for or towards the payment of any debt now or hereafter to be incurred for the purpose of effecting any repairs to such buildings. And in the event of such one-tenth of the income of the said endowment or any part thereof not being required to be expended in any year for the purpose aforesaid, the same is to be accumulated by the said Churchwardens until the same shall be so required, and is not to be expended by them for any other purpose whatsoever.

SCHEDULE.

TO ALL TO WHOM THESE PRESENTS SHALL COME I, ARTHUR, BY DIVINE
PERMISSION, BISHOP OF TORONTO, SEND GREETING

Whereas by indentures of lease and release, dated respectively on or about the twenty-first and twenty-second days of April, A. D. one thousand eight hundred and forty-six, and made between John Langstaff the Younger, of the Township of Markham, in the County of York, Gentleman, of the one part, and the Honourable and Right Reverend John Lord Bishop of Toronto (since deceased), of the other part, in consideration of twelve hundred pounds therein expressed, to be paid to the said John Langstaff by the said John Lord Bishop of Toronto, he, the said John Langstaff, did convey to the said John Lord Bishop of Toronto, and his successors, all that certain parcel of land and premises situate, lying and being in the City of Toronto, in the County of York, being composed of part of lot number one on the south side of the street then called Newgate Street, but now known as Adelaide Street, more particularly described as follows: Commencing at the distance of three chains seventeen links from the north-west angle of the said lot on a course south sixteen degrees east at the centre of the block on the east side of Yonge Street, then north seventy-four degrees, east three chains seventeen links. Then north sixteen degrees, west fifty-one feet. Then south seventy-four degrees, west three chains seventeen links to Yonge Street. Then south sixteen degrees, east fifty-one feet to the place of beginning;

And whereas by a certain memorandum bearing date the thirty-first day of December, A. D. one thousand eight hundred and fifty-three, under the hand of the said late John Lord Bishop of Toronto, it appears that the said sum of twelve hundred pounds in the said indenture or release mentioned was part of a sum of five thousand pounds sterling placed in his hands for the building and endowment of a church in his diocese, and that the above mentioned lands had been purchased by him

as and for an endowment of the Church of the Holy Trinity, situate in Trinity Square, near Yonge Street, in the said City of Toronto, being the church erected by the said bishop in pursuance of the trust aforesaid ;

And whereas the said above described lands are now vested in me as Bishop of Toronto for that purpose and no other, and it is expedient that the purpose for which the said lands are so held by me should be declared and made manifest :

Now therefore know ye that I, the said Bishop of Toronto, do hereby acknowledge and declare that the said lands and premises hereinbefore described were conveyed to my predecessor, the said John Bishop of Toronto, and his successors, to the intent that the same should be held forever thereafter by him and his successors as Bishops of Toronto upon the trust that the rents, issues and profits thereof, after deducting all such charges and disbursements as may be incurred in the care and management of said property and in the execution of the said trust may be appropriated and applied towards the support of the incumbent of that certain church of the Church of England, otherwise called the United Church of England and Ireland, situated in Trinity Square, near Yonge Street, in the City of Toronto, called the "Church of the Holy Trinity," and I do declare that I and my successors, Bishops of Toronto, shall and will stand seized of and interested in all the said hereditaments and premises in trust and upon and for the uses, intents and purposes aforesaid and none other whatsoever.

In witness whereof I have hereunto set my hand and seal this thirty-first day of March in the year of Our Lord one thousand eight hundred and eighty-one in duplicate.

{ Episcopal
Seal. }

Signed, sealed and delivered
in the presence of
WM. P. ATKINSON. } (S'gd) ARTHUR TORONTO.

No. 9.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act respecting the Church of The Holy
Trinity, Toronto.

First Reading, Feb. 15, 1899.

*(Reprinted as amended in Private Bills
Committee.)*

Mr. Foy.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend the Acts respecting the Napanee
River Improvement Company.

WHEREAS the Napanee River Improvement Company **Preamble.**
was incorporated in the year of our Lord, 1866, by an
Act of the Parliament of Canada, for the purpose of erecting
reservoirs and of improving and increasing the supply of
5 water in the Napanee River, for manufacturing purposes, and
was by said Act and the amendments thereto, empowered, "to
take, use, enter upon and occupy any lands, and to construct
any dams or reservoirs they may deem expedient upon or
along the waters of" said river; and whereas said Act was
10 declared to be a public Act; and whereas said company has
erected and is maintaining, amongst others, a dam on said
river near the foot of Napanee Lake, thereby flooding and
rendering unfit for cultivation an area of about 15,000 acres of
land in the Townships of Portland and Camden, and without
15 having paid or given any compensation therefor to the owners
thereof; and whereas the flooding of said lands, caused by said
dam, is a menace to the health of the general public in the
vicinity, and a serious damage to many of the roads and high-
ways in said townships; and whereas before the erection of
20 said dam, the municipal council of said Township of Portland,
at a very large expense, caused a survey of said lands so flooded
to be made, with a view to the better drainage of the same;
and whereas the necessity for maintaining a water supply on
said river for the purposes aforesaid, which existed at the time
25 of the passing of said Act and the amendments thereto, does

not now appear; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

5

Short title. ~~1.~~ This Act may be cited as *The Township of Portland Drainage Act, 1899.*

Dam or reservoir not to be constructed in Portland. 2. Nothing in the Act of the Parliament of Canada passed in the 29th and 30th years of the reign of Her Majesty Queen Victoria, chaptered 84, entitled *An Act for the Improvement of the Napanee River*, or in any of the amendments thereto, or in any other Act or Acts contained, shall be construed to empower said company to erect, construct or maintain any dam or reservoir in the Township of Portland; 10

Power to construct drainage works in Portland and Camden. 3. Notwithstanding anything in the said *Act for the Improvement of the Napanee River, 1866*, and amendments thereto contained, the owner or owners of lands in the said Townships of Portland and Camden or of either of them, or the municipal council or councils thereof may take proceedings under *The Ditches and Watercourses Act*, or *The Municipal Drainage Act*, or any other Act which may be in force for the improvement of lands by drainage, for the deepening, widening and general improvement of said river and its tributaries, and for the better drainage of the lands adjacent thereto, and without compensation to the Napanee River Improvement Company for the removal of any dam or other construction on said river or its tributaries, which may be necessary for the better drainage of said lands, and in the same manner in all respects as if the Acts incorporating said company had never been passed; 15 20 25 30

Inconsistent enactments in 29 & 30 V. c. 84, repealed. 4. Anything in the said Act incorporating The Napanee River Improvement Company, or in the amendments thereto, inconsistent with the provisions of this Act are hereby repealed.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend the Acts respecting the
Napane River Improvement Company.

First Reading,	1899.
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(Private Bill).

MR. GALLAGHER

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 11.]

BILL.

[1899.

An Act Respecting By-Law No. 462 of the Town of Dundas.

WHEREAS the Corporation of the Town of Dundas and Messrs John Bertram & Sons have by their joint petition represented that By-Law No. 462 entitled By-Law No. 462 "For granting a Bonus of \$12,000 in aid of John Bertram & Sons" was on the Twelfth day of September, A.D. 1898, finally passed by the Corporation of the Town of Dundas; and that the said by-law before the final passing thereof was on the 26th day of August, A.D. 1898, submitted to a vote of the ratepayers of the said town and a vote was on said last mentioned date taken thereon and the same was carried by a large majority of said ratepayers, 361 of the said ratepayers voting for and only 42 against the same; and that the total number of ratepayers in said town qualified to vote on said by-law was 650 according to the last revised voters' list for said town; and whereas the said Corporation and Messrs. John Bertram & Sons have by their said petition prayed that an Act may be passed to ratify, confirm and legalize said by-law, and whereas it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The by-law of the Corporation of the Town of Dundas passed on the 12th day of September, 1898, entitled By-Law No. 462 "For granting a Bonus of \$12,000 in aid of John Bertram & Sons" is hereby confirmed.

By-law No. 462 in aid of J. Bertram & Sons confirmed.

Bertram & Sons" which by-law is set out in Schedule A to this Act is hereby ratified, confirmed and declared to be legal and valid and the Debentures issued or to be issued thereunder are hereby declared to be valid, legal and binding upon the Corporation of the Town of Dundas, notwithstanding any- 5 thing in any Act to the contrary.

Agreement
confirmed.

2. The agreement made between the said John Bertram & Sons and the said Corporation of the Town of Dundas mentioned in said by-law is hereby confirmed and declared to be legal and valid as between said John Bertram & Sons and the said the Corporation of the Town of Dundas and their 10 respective heirs, executors, administrators, successors in office and assigns.

SCHEDULE A.

(Section 1.)

By-Law No. 462.

For granting a Bonus of \$12,000 in aid of John Bertram & Sons.

Whereas, the Canada Tool Works owned by John Bertram & Sons, is the principal manufacturing industry in the Town of Dundas, employing at the present time over two hundred hands, and having paid out over \$600,000 in wages during the past twelve years.

And whereas, the said Company has added to its list a new line machinery and it is necessary for the Company to extend its works by the erection of a steel and brick structure 110 x 80 feet, covering the present court yard, the remodelling of its other buildings and the building of a railway switch, connecting its premises with the T. H. & B. Ry. Co., the proposed extensions costing over the sum of \$16,000.

And whereas, the proposed extensions will require the employment by the said Company on an average of at least fifty more men than it has employed on the average during the past five years.

And whereas, a large number of citizens have petitioned the said Company to go on with the said extensions, and it has been deemed to be in the interests of the citizens to aid the said Company by granting it a bonus of \$12,000 to assist it, and the said Company has applied to the Council of the Corporation of the Town of Dundas to aid it as aforesaid.

And whereas, the said Company has never had any exemption from taxation or bonus of any kind granted it by the Town of Dundas since its inception in 1886.

And whereas, in order to provide the said bonus it will be necessary to issue debentures of this Municipality for the sum of \$12,000, payable as herein provided.

And whereas, to raise the said sum of \$12,000 it will be necessary to raise annually by special rate during the currency of said debentures the sum of \$882.98 for paying the principal and interest thereof.

And whereas, the amount of the whole rateable property of the municipality according to the last revised assessment roll is \$830,210.

And whereas, the existing debenture debt of the municipality amounts to \$68,480 and no principal or interest is in arrear except the sum of \$6,000 for principal.

Therefore, the Municipal Council of the Town of Dundas enacts as follows :—

1. It shall be lawful for the Corporation of the said Town of Dundas for the purposes aforesaid to issue debentures of the municipality for the sum of \$12,000 as hereinafter provided in sums of not less than \$100 to be payable at the end of twenty years from the first day of September, A.D. 1898, such debentures to bear interest at four per centum per annum from that date and interest on all such debentures to be paid half-yearly on the first days of March and September in each year.

2. The said debentures and coupons attached shall be payable at the office of the Treasurer of the Town of Dundas.

3. It shall be lawful for the Mayor of the said Municipality, and he is hereby authorized and empowered to sign the said debentures and coupons attached and to cause the same and the interest coupons thereto to be signed by the Treasurer of the said Corporation and the Clerk of the said Municipality is hereby authorized and instructed to attach the seal of the said Municipality to the said debentures and said debentures when so signed and sealed shall be handed over to the said Company to be disposed of by it upon the payment by the Company to the Corporation of all interest accrued on said debentures at the time of their being handed over and upon and after the completion of the said extension and upon the payment by the Company to the Corporation of all costs in connection with the passing of this by-law and of the costs of procuring such legislation as may be necessary to validate the same and upon the said company executing the agreement attached to this by-law.

4. There shall be raised and levied annually by special rate upon all the rateable property in the said Municipality during the currency of such debentures for payment of the interest and principal of such debentures the respective amounts and payable on the first day of September in the respective years following, that is to say :—

Year.	Principal.	Interest.
1st.....	\$402.98.....	\$480.00
2nd.....	419.10.....	468.88
3rd.....	435.87.....	447.11
4th.....	453.30.....	429.68
5th.....	471.43.....	411.55
6th.....	490.29.....	392.69
7th.....	509.90.....	373.08
8th.....	530.30.....	352.68
9th.....	551.51.....	331.47
10th.....	573.57.....	309.41
11th.....	596.51.....	286.47
12th.....	620.37.....	262.61
13th.....	645.19.....	237.79
14th.....	671.00.....	211.98
15th.....	697.84.....	185.14
16th.....	725.74.....	157.24
17th.....	754.77.....	128.21
18th.....	784.96.....	98.02
19th.....	816.36.....	66.62
20th.....	849.01.....	33.97

5. The votes of the qualified electors of this municipality shall be taken on this by-law by the Deputy Returning Officers hereinafter named, on Friday, the 26th day of August 1898, commencing at the hour of 9 o'clock in the morning and continuing until 5 o'clock in the afternoon at the undermentioned places:—

Ward.	Places.	Returning Officer.
Mountain Ward	E. Walker's store.....	P. Boyle.
Canal Ward, ...	Town Hall	Jas Reynolds.
Foundry Ward.....	D. W. Nelson's shop ...	D. W. Nelson.
Valley Ward.....	Wm. Mitson's store.....	W. Mitson.

6. On Wednesday, the 24th day of August, 1898, the Mayor shall attend at the Council chambers at 11 o'clock in the forenoon to appoint persons to attend at the various polling places and at the final summing up by the Town Clerk on behalf of the persons interested in the promoting or opposing the passing of this by-law respectively.

7. The Clerk of the Council of the said Municipality shall attend at his office in the Town Hall in the Town of Dundas at 11 o'clock in the forenoon of Monday, the 29th day of August, 1898, and sum up the number of votes given for and against the by-law.

8. It is the distinct understanding and agreement upon which this by-law is passed, that at no time during the existence of the debenture debt hereby created shall the said Company apply to the said Corporation for any exemption from taxation and it is further distinctly understood and agreed that at no time during the existence of the debenture debt hereby created shall the said firm of John Bertram & Sons employ during nine months in each year, less than a yearly average of 50 men more than the average number of their employees during the past five years has been, and in case the said firm or its successors or assigns or any or either of them fail in carrying out the above provisions or any of the provisions of this by-law, then there shall immediately become due and payable to the said Town of Dundas by the said Company, its successors or assigns whatever balance may at the time of such default remain due and payable by the Corporation either for principal or interest on the debentures hereby authorized to be issued.

9. This by-law shall not come into force until sanctioned by the Legislature of the Province of Ontario.

Dated and passed the 12th day of September, A.D. 1898.

(Sgd.) JAMES MORE, (Sgd.) M. S. WILSON,
Town Clerk. Chairman.

Corporate Seal.

Agreement to be signed by said Company.

We, for ourselves, our successors and assigns, hereby covenant and agree with the Corporation of the Town of Dundas in all respects to comply with the terms and conditions of the above by-law, and we agree to expend the whole of said sum of \$12,000 in the extension and improvements hereinbefore mentioned.

(Sgd.) JOHN BERTRAM & SONS. (Seal.)

No. 11.

2nd Session, 9th Legislature 62 Vict., 1899.

BILL.

An Act respecting By-law No. 462,
Corporation of Dundas.

First Reading,	1899.
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(Private Bill).

Mr. WARDELL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Gracious Majesty.

No. 11.]

BILL.

[1899.

An Act Respecting By-Law No. 462 of the Town of Dundas.

WHEREAS the Corporation of the Town of Dundas and Preamble.
Messrs John Bertram & Sons have by their joint petition represented that By-Law No. 462 entitled By-Law No. 462 "For granting a Bonus of \$12,000 in aid of John Bertram & Sons" was on the Twelfth day of September, A.D. 1898, finally passed by the Corporation of the Town of Dundas; and that the said by-law before the final passing thereof was on the 26th day of August, A.D. 1898, submitted to a vote of the ratepayers of the said town and a vote was on said last mentioned date taken thereon and the same was carried by a large majority of said ratepayers, 361 of the said ratepayers voting for and only 42 against the same; and that the total number of ratepayers in said town qualified to vote on said by-law was 506 according to the last revised voters' list for said town; and whereas the said Corporation and Messrs. John Bertram & Sons have by their said petition prayed that an Act may be passed to ratify, confirm and legalize said by-law; ~~and~~ and whereas the said bonus does not represent greater aid to the said firm than could have been granted by the Council of the said Corporation by way of exemption from taxes; ~~and~~ and whereas it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-law No.
462 in aid of
J. Bertram &
Sons con-
firmed.

1. The by-law of the Corporation of the Town of Dundas passed on the 12th day of September, 1898, entitled By-Law No. 462 "For granting a Bonus of \$12,000 in aid of John Bertram & Sons" which by-law is set out in Schedule A to this Act is hereby ratified, confirmed and declared to be legal and valid and the Debentures issued or to be issued thereunder are hereby declared to be valid, legal and binding upon the Corporation of the Town of Dundas, notwithstanding anything in any Act to the contrary.

Agreement
confirmed.

2. The agreement made between the said John Bertram & Sons and the said Corporation of the Town of Dundas mentioned in said by-law is hereby confirmed and declared to be legal and valid as between said John Bertram & Sons and the said the Corporation of the Town of Dundas and their respective heirs, executors, administrators, successors in office and assigns.

SCHEDULE A.

(Section 1.)

By-Law No. 462.

For granting a Bonus of \$12,000 in aid of John Bertram & Sons.

Whereas, the Canada Tool Works owned by John Bertram & Sons, is the principal manufacturing industry in the Town of Dundas, employing at the present time over two hundred hands, and having paid out over \$600,000 in wages during the past twelve years.

And whereas, the said Company has added to its list a new line machinery and it is necessary for the Company to extend its works by the erection of a steel and brick structure 110 x 80 feet, covering the present court yard, the remodelling of its other buildings and the building of a railway switch, connecting its premises with the T. H. & B. Ry. Co., the proposed extensions costing over the sum of \$16,000.

And whereas, the proposed extensions will require the employment by the said Company on an average of at least fifty more men than it has employed on the average during the past five years.

And whereas, a large number of citizens have petitioned the said Company to go on with the said extensions, and it has been deemed to be in the interests of the citizens to aid the said Company by granting it a bonus of \$12,000 to assist it, and the said Company has applied to the Council of the Corporation of the Town of Dundas to aid it as aforesaid.

And whereas, the said Company has never had any exemption from taxation or bonus of any kind granted it by the Town of Dundas since its inception in 1886.

And whereas, in order to provide the said bonus it will be necessary to issue debentures of this Municipality for the sum of \$12,000, payable as herein provided.

And whereas, to raise the said sum of \$12,000 it will be necessary to raise annually by special rate during the currency of said debentures the sum of \$882.98 for paying the principal and interest thereof.

And whereas, the amount of the whole rateable property of the municipality according to the last revised assessment roll is \$830,210.

And whereas, the existing debenture debt of the municipality amounts to \$68,480 and no principal or interest is in arrear except the sum of \$6,000 for principal.

Therefore, the Municipal Council of the Town of Dundas enacts as follows :—

1. It shall be lawful for the Corporation of the said Town of Dundas for the purposes aforesaid to issue debentures of the municipality for the sum of \$12,000 as hereinafter provided in sums of not less than \$100 to be payable at the end of twenty years from the first day of September, A.D. 1898, such debentures to bear interest at four per centum per annum from that date and interest on all such debentures to be paid half-yearly on the first days of March and September in each year.

2. The said debentures and coupons attached shall be payable at the office of the Treasurer of the Town of Dundas.

3. It shall be lawful for the Mayor of the said Municipality, and he is hereby authorized and empowered to sign the said debentures and coupons attached and to cause the same and the interest coupons thereto to be signed by the Treasurer of the said Corporation and the Clerk of the said Municipality is hereby authorized and instructed to attach the seal of the said Municipality to the said debentures and said debentures when so signed and sealed shall be handed over to the said Company to be disposed of by it upon the payment by the Company to the Corporation of all interest accrued on said debentures at the time of their being handed over and upon and after the completion of the said extension and upon the payment by the Company to the Corporation of all costs in connection with the passing of this by-law and of the costs of procuring such legislation as may be necessary to validate the same and upon the said company executing the agreement attached to this by-law.

4. There shall be raised and levied annually by special rate upon all the rateable property in the said Municipality during the currency of such debentures for payment of the interest and principal of such debentures the respective amounts and payable on the first day of September in the respective years following, that is to say :—

Year.	Principal.	Interest.
1st.....	\$402.98.....	\$480.00
2nd.....	419.10.....	463.88
3rd.....	435.87.....	447.11
4th.....	453.30.....	429.68
5th.....	471.43.....	411.55
6th.....	490.29.....	392.69
7th.....	509.90.....	373.08
8th.....	530.30.....	352.68
9th.....	551.51.....	331.47
10th.....	573.57.....	309.41
11th.....	596.51.....	286.47
12th.....	620.37.....	262.61
13th.....	645.19.....	237.79
14th.....	671.00.....	211.98
15th.....	697.84.....	185.14
16th.....	725.74.....	157.24
17th.....	754.77.....	128.21
18th.....	784.96.....	98.02
19th.....	816.36.....	66.62
20th.....	849.01.....	33.97

5. The votes of the qualified electors of this municipality shall be taken on this by-law by the Deputy Returning Officers hereinafter named, on Friday, the 26th day of August 1898, commencing at the hour of 9 o'clock in the morning and continuing until 5 o'clock in the afternoon at the undermentioned places:—

Ward.	Places.	Returning Officer.
Mountain Ward	F. Walker's store	P. Boyle.
Canal Ward, ...	Town Hall	Jas. Reynolds.
Foundry Ward	D. W. Nelson's shop	D. W. Nelson.
Valley Ward	Wm. Mitson's store	W. Mitson.

6. On Wednesday, the 24th day of August, 1898, the Mayor shall attend at the Council chambers at 11 o'clock in the forenoon to appoint persons to attend at the various polling places and at the final summing up by the Town Clerk on behalf of the persons interested in the promoting or opposing the passing of this by-law respectively.

7. The Clerk of the Council of the said Municipality shall attend at his office in the Town Hall in the Town of Dundas at 11 o'clock in the forenoon of Monday, the 29th day of August, 1898, and sum up the number of votes given for and against the by-law.

8. It is the distinct understanding and agreement upon which this by-law is passed, that at no time during the existence of the debenture debt hereby created shall the said Company apply to the said Corporation for any exemption from taxation and it is further distinctly understood and agreed that at no time during the existence of the debenture debt hereby created shall the said firm of John Bertram & Sons employ during nine months in each year, less than a yearly average of 50 men more than the average number of their employees during the past five years has been, and in case the said firm or its successors or assigns or any or either of them fail in carrying out the above provisions or any of the provisions of this by-law, then there shall immediately become due and payable to the said Town of Dundas by the said Company, its successors or assigns whatever balance may at the time of such default remain due and payable by the Corporation either for principal or interest on the debentures hereby authorized to be issued.

9. This by-law shall not come into force until sanctioned by the Legislature of the Province of Ontario.

Dated and passed the 12th day of September, A.D. 1898.

(Sgd.) JAMES MORE,
Town Clerk.

(Sgd.) M. S. WILSON,
Chairman.

Corporate Seal.

Agreement to be signed by said Company.

We, for ourselves, our successors and assigns, hereby covenant and agree with the Corporation of the Town of Dundas in all respects to comply with the terms and conditions of the above by-law, and we agree to expend the whole of said sum of \$12,000 in the extension and improvements hereinbefore mentioned.

(Sgd.) JOHN BERTRAM & SONS. (Seal.)

2nd Session, 9th Legislature 62 Vict., 1899.

BILL.

An Act respecting By-law No. 462,
Corporation of Dundas.

First Reading, 14th February, 1899.

*(Reprinted as amended by the Private Bills
Committee.)*

MR. WARDELL.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Gracious Majesty.

No. 12.]

BILL.

[1899.

An Act to confirm By-law No. 152 of the Village
of Tara.

WHEREAS the corporation of the Village of Tara have
by their petition represented that the said corporation
passed a by-law No. 152 entitled, "A by-law for granting aid
by way of loan for the promotion and establishment of certain
5 manufactures within the limits of the Village of Tara," wherein
it was enacted that the said corporation might aid the firm of
Biette & Company by lending them the sum of four thousand
dollars to enable the said firm to erect or purchase buildings
within the limits of the said corporation, to be finished and
10 completed with all suitable machinery for the manufacture of
undressed lumber, cheese boxes, hoops and heading flour and
apple barrels, butter ferkins, egg cases and other materials
from wood, and costing when complete at least four thousand
dollars, on certain conditions mentioned in said by-law said
15 loan to be repayable in eight annual payments of five hundred
dollars each without interest, the first of such payments to
become due and be made on the 31st day of December, 1901.
And whereas there is no other similar industry within the
limits of the said Village of Tara; and whereas the former
20 factory and works of the said Biette & Company were lately
destroyed by fire; and whereas many of the employees of the
said previous industry, specially skilled, are in the said village
without employment waiting for the re-establishment of said
industry; and whereas the said Biette & Company since the
25 passing of said by-law have bought a site in said village,
erected buildings thereon, bought machinery therefor and

Preamble.

made other arrangements towards the erection of buildings and machinery, and the establishment of said industry, all at great expense and labor in accordance with their agreement with said corporation; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Municipal Act*, and seventy-two of the ratepayers qualified to vote as aforesaid, voted in favor of the said by-law and only four ratepayers voted against it; and whereas the said corporation by their petition have prayed that the said by-law may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.
152 of Tara
confirmed.

1. By-law No. 152 of the municipal corporation of the Village of Tara set forth in Schedule A. to this Act, is hereby confirmed and declared legal, valid and binding upon the said municipal corporation, and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law, and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same, and the said corporation of the Village of Tara is hereby authorized and empowered to issue debentures as provided by the said by-law, and the said debentures so issued under the said by-law are hereby declared legal and binding upon the said municipality, and the said corporation are hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law No. 152.

SCHEDULE A.

By-Law No. 152.

A by-law for granting aid by way of loan for the promotion and establishment of certain manufactures within the limits of the Corporation of the Village of Tara.

Whereas Messrs. Biette & Co. of Chesley have applied to the Municipal Council of the said Corporation of the Village of Tara to aid them by lending them the sum of four thousand dollars for the term of ten years from Dec. 31, 1898, on condition that they shall without delay erect or purchase buildings within the limits of the Corporation of Tara to be finished and completed with all suitable machinery for the manufacture of undressed lumber, cheese box hoops and heading flour and apple barrels, butter ferkins, egg cases, &c. to the value of at least four thousand dollars, the same to be completed and in running order within one year from the first of Sept., 1898.

Said Biette & Co. to repay the said loan of \$4,000 in eight annual payments of \$500 each without interest, the first of such payments to be due and payable on December, 31st 1901.

The Corporation of Tara to be secured by first mortgage in fee upon the lands, building and machinery of the works to be established and upon the stock of lumber manufactured and unmanufactured material. The money to be advanced to Messrs. Biette & Co. from time to time as the building of the works progresses and to the satisfaction of the Reeve and Council of Tara and upon the further consideration that the said Biette & Co. will run said factory for at least ten months in each year and will employ whilst in operation during the term of ten years from the first day of January 1899 at least twenty persons or employees (no one of whom shall be under 15 years of age, and who shall be engaged and working in the said factory situate within the limits of the said Village of Tara) and the said Messrs. Biette & Co. shall enter into a written agreement with the said Corporation to do all things hereinbefore mentioned to be done on their part and that on failure in performance or breach of any one or more of the said conditions the said Biette & Co. shall immediately thereafter repay to the said Corporation the said loan.

Provided further that the said Biette & Co. shall keep the buildings, plant and machinery fully insured in favor of said Corporation of Tara for the observance of said conditions and the repayment of the said loan thereon claimable under the conditions of this by-law. The assessment of the foregoing mentioned property to be fixed at an annual assessment of \$2,000 : during the term of ten years.

And whereas in order to aid the said Messrs. Biette & Co. by lending them the said sum of four thousand dollars for the purposes and upon the conditions aforesaid, it is necessary and intended by this by-law to create a debt on the part of the said Corporation to the amount of four thousand dollars and to provide for the issue of debentures therefor.

And whereas it will require the several sums as shown by Schedule "A" of this by-law to be raised annually for a period of ten years as shown by said schedule, the currency of the debentures to be issued under and by virtue of this by-law for payment of the said debt and interest.

And whereas the amount of the whole rateable property in the Village of Tara according to the last revised Assessment Roll is \$221,280.

And whereas the amount of the existing Debenture debt of the said Village is \$1,600 no part of which, either for principal or interest is in arrear.

And whereas, in addition to all other rates to be levied in each year in the said municipality it will be necessary to raise annually by a special rate sufficient thereof on all the rateable property in the said municipality to raise the sums for principal and interest accruing due in the different

years as shewn by Schedule "A" of this by-law during the said period of ten years, to pay the several instalments of principal and interest on the said debt as they respectively become due and payable. Be it therefore enacted and it is hereby enacted by the Municipal Council of the Corporation of the Village of Tara as follows :

1. That it shall and may be lawful for the Municipal Council of the said Corporation of the Village of Tara to aid the said Messrs. Biette & Co. for the purchase of land and erection of sawmill, factory and sheds for the manufacture of undressed lumber, cheese box hoops, heading, flour and apple barrels, butter firkins, egg cases &c. in manner aforesaid by lending them the sum of four thousand dollars repayable without interest within the said period of ten years, unless the same shall become due and payable by reason of the breach of any one or more of the conditions and restrictions attached to such loan as hereinafter provided.

2. That for the purpose aforesaid the Reeve of the said Village of Tara shall cause eight debentures of the said Village of Tara to be made and issued at the sums of \$500 each and not to exceed the sum of four thousand dollars as in the preceeding section mentioned, and that the said Debentures shall be sealed with the seal of the said Corporation and signed by the Reeve and Treasurer thereof.

3. The said Debentures shall be payable respectively on the 31st day of December in each year in accordance with Schedule "A" of this by-law and coupons shall be attached thereto for the payment of interest thereon at the rate of 5 per cent per annum, payable on the 31st day of December in each and every year during the continuance of said Debentures or any of them at the said office of the Village Treasurer.

4. SCHEDULE "A."

Debentures authorized to be issued under this by-law with year of payment.

	Year payable.	Principal.	Interest.	Total.
.....	Dec. 31, 1899	....	\$200	\$200
.....	Dec. 31, 1900	....	200	200
Deb. No. 1.....	Dec. 31, 1901	\$500	200	700
" " 2.....	Dec. 31, 1902	500	175	675
" " 3.....	Dec. 31, 1903	500	150	650
" " 4.....	Dec. 31, 1904	500	125	625
" " 5.....	Dec. 31, 1905	500	100	600
" " 6.....	Dec. 31, 1906	500	75	575
" " 7.....	Dec. 31, 1907	500	50	550
" " 8.....	Dec. 31, 1908	500	25	525
		\$4,000	\$1,300	\$5,300

5. That a special rate on the dollar upon the assessed value of all the rateable property in the Village of Tara over and above and in addition to all other rates and taxes and which such special rate shall be sufficient to produce in each year the sum required as shewn by Schedule "A" of this by-law shall be annually levied and collected from the year 1899 to the year 1908 both years inclusive.

6. That a poll shall be held and the votes of the ratepayers entitled to vote upon this by-law shall be taken thereon on Friday, 23rd day of September next, at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, in Vandusen's Hall, by J. D. Tobey, returning officer.

7. On Wednesday, Sept. 21, 1898, the Reeve of the said Village shall attend at the Clerk's Office at 12 o'clock noon, to appoint persons to attend at the polling place and at the final summing up of the votes by the Clerk, respectively on behalf of the persons interested in and promoting or opposing this by-law.

8. The clerk shall immediately at the close of the poll sum up the number of votes given for and against this by-law.

9. That this by-law shall come into force and effect immediately after the final passing thereof by the Municipal Corporation of the Village of Tara,

Read first time August 29, 1898.

Published in Tara Leader Newspaper September 1st, 8th and 15th.

Assented to by a vote of the ratepayers, vote taken Sept. 23, 1898, the vote being as follows : For 72, against 4.

Number on Assessment Roll qualified to vote 86.

Read second and third time and finally passed by the Municipal Council of the Village of Tara this twenty-sixth day of September, A.D. 1898.

J. D. TOBEY,
Clerk.

ANDREW TRELFORD,
Reeve.

{ Corporate Seal
of the
Village of Tara }

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to confirm By-Law No. 152
of the Village of Tara.

First Reading,	1899.
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(Private Bill)

Mr. BOWMAN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 12.]

BILL.

[1899.

An Act to confirm By-law No. 152 of the Village of Tara.

WHEREAS the corporation of the Village of Tara have by their petition represented that the said corporation passed a by-law No. 152 entitled, "A by-law for granting aid by way of loan for the promotion and establishment of certain manufactures within the limits of the Village of Tara," wherein it was enacted that the said corporation might aid the firm of Biette & Company by lending them the sum of four thousand dollars to enable the said firm to erect or purchase buildings within the limits of the said corporation, to be finished and completed with all suitable machinery for the manufacture of undressed lumber, cheese boxes, hoops and heading flour and apple barrels, butter ferkins, egg cases and other materials from wood, and costing when complete at least four thousand dollars, on certain conditions mentioned in said by-law said loan to be repayable in eight annual payments of five hundred dollars each without interest, the first of such payments to become due and be made on the 31st day of December, 1901. And whereas there is no other similar industry within the limits of the said Village of Tara; and whereas the former factory and works of the said Biette & Company were lately destroyed by fire; and whereas many of the employees of the said previous industry, specially skilled, are in the said village without employment waiting for the re-establishment of said industry; and whereas the said Biette & Company since the passing of said by-law have bought a site in said village, erected buildings thereon, bought machinery therefor and

Preamble.

made other arrangements towards the erection of buildings and machinery, and the establishment of said industry, all at great expense and labor in accordance with their agreement with said corporation; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Municipal Act*, and seventy-two of the ratepayers *out of eighty six ratepayers* qualified to vote as aforesaid voted in favor of the said by-law and only four ratepayers voted against it; ~~and~~ and whereas the said corporation has not hitherto passed any by-law for granting aid by way of bonus; ~~and~~ and whereas the said corporation by their petition have prayed that the said by-law may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.
152 of Tara
confirmed.

1. By-law No. 152 of the municipal corporation of the Village of Tara set forth in Schedule A. to this Act, is hereby confirmed and declared legal, valid and binding upon the said municipal corporation, and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law, and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same, and the said corporation of the Village of Tara is hereby authorized and empowered to issue debentures as provided by the said by-law, and the said debentures so issued under the said by-law are hereby declared legal and binding upon the said municipality, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law No. 152.

SCHEDULE A.

BY-LAW No. 152.

A by-law for granting aid by way of loan for the promotion and establishment of certain manufactures within the limits of the Corporation of the Village of Tara.

Whereas Messrs. Biette & Co. of Cheslev have applied to the Municipal Council of the said Corporation of the Village of Tara to aid them by lending them the sum of four thousand dollars for the term of ten years from Dec. 31, 1898, on condition that they shall without delay erect or purchase buildings within the limits of the Corporation of Tara to be finished and completed with all suitable machinery for the manufacture of undressed lumber, cheese box hoops and heading flour and apple barrels, butter ferkins, egg cases, &c. to the value of at least four thousand dollars, the same to be completed and in running order within one year from the first of Sept., 1898.

Said Biette & Co. to repay the said loan of \$4,000 in eight annual payments of \$500 each without interest, the first of such payments to be due and payable on December, 31st 1901.

The Corporation of Tara to be secured by first mortgage in fee upon the lands, building and machinery of the works to be established and upon the stock of lumber manufactured and unmanufactured material. The money to be advanced to Messrs. Biette & Co. from time to time as the building of the works progresses and to the satisfaction of the Reeve and Council of Tara and upon the further consideration that the said Biette & Co. will run said factory for at least ten months in each year and will employ whilst in operation during the term of ten years from the first day of January 1899 at least twenty persons or employees (no one of whom shall be under 15 years of age, and who shall be engaged and working in the said factory situate within the limits of the said Village of Tara) and the said Messrs. Biette & Co. shall enter into a written agreement with the said Corporation to do all things hereinbefore mentioned to be done on their part and that on failure in performance or breach of any one or more of the said conditions the said Biette & Co. shall immediately thereafter repay to the said Corporation the said loan.

Provided further that the said Biette & Co. shall keep the buildings, plant and machinery fully insured in favor of said Corporation of Tara for the observance of said conditions and the repayment of the said loan thereon claimable under the conditions of this by-law. The assessment of the foregoing mentioned property to be fixed at an annual assessment of \$2,000 : during the term of ten years.

And whereas in order to aid the said Messrs. Biette & Co. by lending them the said sum of four thousand dollars for the purposes and upon the conditions aforesaid, it is necessary and intended by this by-law to create a debt on the part of the said Corporation to the amount of four thousand dollars and to provide for the issue of debentures therefor.

And whereas it will require the several sums as shown by Schedule "A" of this by-law to be raised annually for a period of ten years as shown by said schedule, the currency of the debentures to be issued under and by virtue of this by-law for payment of the said debt and interest.

And whereas the amount of the whole rateable property in the Village of Tara according to the last revised Assessment Roll is \$221,280.

And whereas the amount of the existing Debenture debt of the said Village is \$1,600 no part of which, either for principal or interest is in arrear.

And whereas, in addition to all other rates to be levied in each year in the said municipality it will be necessary to raise annually by a special rate sufficient thereof on all the rateable property in the said municipality to raise the sums for principal and interest accruing due in the different

years as shewn by Schedule "A" of this by-law during the said period of ten years, to pay the several instalments of principal and interest on the said debt as they respectively become due and payable. Be it therefore enacted and it is hereby enacted by the Municipal Council of the Corporation of the Village of Tara as follows :

1. That it shall and may be lawful for the Municipal Council of the said Corporation of the Village of Tara to aid the said Messrs. Biette & Co. for the purchase of land and erection of sawmill, factory and sheds for the manufacture of undressed lumber, cheese box hoops, heading, flour and apple barrels, butter firkins, egg cases &c. in manner aforesaid by lending them the sum of four thousand dollars repayable without interest within the said period of ten years, unless the same shall become due and payable by reason of the breach of any one or more of the conditions and restrictions attached to such loan as hereinafter provided.

2. That for the purpose aforesaid the Reeve of the said Village of Tara shall cause eight debentures of the said Village of Tara to be made and issued at the sums of \$500 each and not to exceed the sum of four thousand dollars as in the preceeding section mentioned, and that the said Debentures shall be sealed with the seal of the said Corporation and signed by the Reeve and Treasurer thereof.

3. The said Debentures shall be payable respectively on the 31st day of December in each year in accordance with Schedule "A" of this by-law and coupons shall be attached thereto for the payment of interest thereon at the rate of 5 per cent per annum, payable on the 31st day of December in each and every year during the continuance of said Debentures or any of them at the said office of the Village Treasurer

4. SCHEDULE "A."

Debentures authorized to be issued under this by-law with year of payment.

	Year payable.	Principal.	Interest.	Total.
.....	Dec. 31, 1899	.....	\$200	\$200
.....	Dec. 31, 1900	.....	200	200
Deb. No. 1.....	Dec. 31, 1901	\$500	200	700
" " 2.....	Dec. 31, 1902	500	175	675
" " 3.....	Dec. 31, 1903	500	150	650
" " 4.....	Dec. 31, 1904	500	125	625
" " 5.....	Dec. 31, 1905	500	100	600
" " 6.....	Dec. 31, 1906	500	75	575
" " 7.....	Dec. 31, 1907	500	50	550
" " 8.....	Dec. 31, 1908	500	25	525
		\$4,000	\$1,300	\$5,300

5. That a special rate on the dollar upon the assessed value of all the rateable property in the Village of Tara over and above and in addition to all other rates and taxes and which such special rate shall be sufficient to produce in each year the sum required as shewn by Schedule "A" of this by-law shall be annually levied and collected from the year 1899 to the year 1908 both years inclusive.

6. That a poll shall be held and the votes of the ratepayers entitled to vote upon this by-law shall be taken thereon on Friday, 23rd day of September next, at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, in Vandusen's Hall, by J. D. Tobey, returning officer.

7. On Wednesday, Sept. 21, 1898, the Reeve of the said Village shall attend at the Clerk's Office at 12 o'clock noon, to appoint persons to attend at the polling place and at the final summing up of the votes by the Clerk, respectively on behalf of the persons interested in and promoting or opposing this by-law.

8. The clerk shall immediately at the close of the poll sum up the number of votes given for and against this by-law.

9. That this by-law shall come into force and effect immediately after the final passing thereof by the Municipal Corporation of the Village of Tara,

Read first time August 29, 1898.

Published in Tara Leader Newspaper September 1st, 8th and 15th.

Assented to by a vote of the ratepayers, vote taken Sept. 23, 1898, the vote being as follows : For 72, against 4.

Number on Assessment Roll qualified to vote 86.

Read second and third time and finally passed by the Municipal Council of the Village of Tara this twenty-sixth day of September, A.D. 1898.

J. D. TOBEY,
Clerk.

ANDREW TRELFORD,
Reeve



2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to confirm By-Law No. 152
of the Village of Tara.

First Reading, 14th February, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

Mr. BOWMAN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 12.]

BILL.

[1899.

An Act to confirm By-law No. 152 of the Village of Tara.

WHEREAS the *Municipal Corporation* of the Village of Tara Preamble. has by petition represented that the said corporation passed a by-law No. 152 entitled, "A by-law for granting aid by way of loan for the promotion and establishment of certain manufactures within the limits of the Village of Tara," wherein it was enacted that the said corporation might aid the firm of Biette & Company by lending them the sum of four thousand dollars to enable the said firm to erect or purchase buildings within the limits of the said corporation, to be completed and furnished with all suitable machinery for the manufacture of undressed lumber, cheese boxes, hoops and heading flour and apple barrels, butter ferkins, egg cases and other materials from wood, and costing when complete at least four thousand dollars, on certain conditions mentioned in said by-law said loan to be repayable in eight annual payments of five hundred dollars each without interest, the first of such *instalments* to become due and be made on the 31st day of December, 1901; and whereas there is no other similar industry within the limits of the said Village of Tara; and whereas ~~as~~ it has been shown that ~~the~~ the former factory and works of the said Biette & Company were lately destroyed by fire and *that* many of the ~~the~~ skilled workmen formerly employed by the said firm ~~the~~ are in the said village without employment waiting for the re-establishment of said industry, and *that* the said Biette & Company since the passing of said by-law have bought a site in said village, erected buildings thereon, bought machinery

therefor and made other arrangements towards the erection of buildings and machinery, and the establishment of the said industry, all at great expense and labour in accordance with their agreement with said corporation; and ~~as~~ it appears that ~~the~~ the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Municipal Act*, and that seventy-two of the ratepayers *out of eighty-six ratepayers* qualified to vote as aforesaid voted in favour of the said by-law and only four ratepayers voted against it; ~~and~~ and whereas it has been represented that the said corporation has not hitherto passed any by-law for granting aid by way of bonus; ~~and~~ and whereas the said corporation *has* prayed that the said by-law may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.
152 of Tara
confirmed.

1. By-law No. 152 of the Municipal Corporation of the Village of Tara set forth in Schedule A. to this Act, is hereby confirmed and declared legal, valid and binding upon the said municipal corporation, and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law, and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same, and the said the Corporation of the Village of Tara is hereby authorized and empowered to issue debentures as provided by the said by-law, and the said debentures so issued under the said by-law are hereby declared legal and binding upon the said municipality, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law No. 152.

SCHEDULE A.

By-Law No. 152.

A by-law for granting aid by way of loan for the promotion and establishment of certain manufactures within the limits of the Corporation of the Village of Tara.

Whereas Messrs. Biette & Co. of Chesley have applied to the Municipal Council of the said Corporation of the Village of Tara to aid them by lending them the sum of four thousand dollars for the term of ten years from Dec. 31, 1898, on condition that they shall without delay erect or purchase buildings within the limits of the Corporation of Tara to be finished and completed with all suitable machinery for the manufacture of undressed lumber, cheese box hoops and heading flour and apple barrels, butter ferkins, egg cases, &c. to the value of at least four thousand dollars, the same to be completed and in running order within one year from the first of Sept., 1898.

Said Biette & Co. to repay the said loan of \$4,000 in eight annual payments of \$500 each without interest, the first of such payments to be due and payable on December, 31st 1901.

The Corporation of Tara to be secured by first mortgage in fee upon the lands, building and machinery of the works to be established and upon the stock of lumber manufactured and unmanufactured material. The money to be advanced to Messrs. Biette & Co. from time to time as the building of the works progresses and to the satisfaction of the Reeve and Council of Tara and upon the further consideration that the said Biette & Co. will run said factory for at least ten months in each year and will employ whilst in operation during the term of ten years from the first day of January 1899 at least twenty persons or employees (no one of whom shall be under 15 years of age, and who shall be engaged and working in the said factory situate within the limits of the said Village of Tara) and the said Messrs. Biette & Co. shall enter into a written agreement with the said Corporation to do all things hereinbefore mentioned to be done on their part and that on failure in performance or breach of any one or more of the said conditions the said Biette & Co. shall immediately thereafter repay to the said Corporation the said loan.

Provided further that the said Biette & Co. shall keep the buildings, plant and machinery fully insured in favor of said Corporation of Tara for the observance of said conditions and the repayment of the said loan thereon claimable under the conditions of this by-law. The assessment of the foregoing mentioned property to be fixed at an annual assessment of \$2,000 : during the term of ten years.

And whereas in order to aid the said Messrs. Biette & Co. by lending them the said sum of four thousand dollars for the purposes and upon the conditions aforesaid, it is necessary and intended by this by-law to create a debt on the part of the said Corporation to the amount of four thousand dollars and to provide for the issue of debentures therefor.

And whereas it will require the several sums as shown by Schedule "A" of this by-law to be raised annually for a period of ten years as shown by said schedule, the currency of the debentures to be issued under and by virtue of this by-law for payment of the said debt and interest.

And whereas the amount of the whole rateable property in the Village of Tara according to the last revised Assessment Roll is \$221,280.

And whereas the amount of the existing Debenture debt of the said Village is \$1,600 no part of which, either for principal or interest is in arrear.

And whereas, in addition to all other rates to be levied in each year in the said municipality it will be necessary to raise annually by a special rate sufficient thereof on all the rateable property in the said municipality to raise the sums for principal and interest accruing due in the different

years as shown by Schedule "A" of this by-law during the said period of ten years, to pay the several instalments of principal and interest on the said debt as they respectfully become due and payable. Be it therefore enacted and it is hereby enacted by the Municipal Council of the Corporation of the Village of Tara as follows :

1. That it shall and may be lawful for the Municipal Council of the said Corporation of the Village of Tara to aid the said Messrs. Biette & Co for the purchase of land and erection of sawmill, factory and sheds for the manufacture of undressed lumber, cheese box hoops, heading, flour and apple barrels, butter firkins, egg cases &c. in manner aforesaid by lending them the sum of four thousand dollars repayable without interest within the said period of ten years, unless the same shall become due and payable by reason of the breach of any one or more of the conditions and restrictions attached to such loan as hereinafter provided.

2. That for the purpose aforesaid the Reeve of the said Village of Tara shall cause eight debentures of the said Village of Tara to be made and issued at the sums of \$500 each and not to exceed the sum of four thousand dollars as in the preceeding section mentioned, and that the said Debentures shall be sealed with the seal of the said Corporation and signed by the Reeve and Treasurer thereof.

3. The said Debentures shall be payable respectively on the 31st day of December in each year in accordance with Schedule "A" of this by-law and coupons shall be attached thereto for the payment of interest thereon at the rate of 5 per cent per annum, payable on the 31st day of December in each and every year during the continuance of said Debentures or any of them at the said office of the Village Treasurer.

4. SCHEDULE "A."

Debentures authorized to be issued under this by-law with year of payment.

	Year payable.	Principal.	Interest.	Total.
.....	Dec. 31, 1899	....	\$200	\$200
.....	Dec. 31, 1900	....	200	200
Deb. No. 1.....	Dec. 31, 1901	\$500	200	700
" " 2.....	Dec. 31, 1902	500	175	675
" " 3.....	Dec. 31, 1903	500	150	650
" " 4.....	Dec. 31, 1904	500	125	625
" " 5.....	Dec. 31, 1905	500	100	600
" " 6.....	Dec. 31, 1906	500	75	575
" " 7.....	Dec. 31, 1907	500	50	550
" " 8.....	Dec. 31, 1908	500	25	525
		\$4,000	\$1,300	\$5,300

5. That a special rate on the dollar upon the assessed value of all the rateable property in the Village of Tara over and above and in addition to all other rates and taxes and which such special rate shall be sufficient to produce in each year the sum required as shewn by Schedule "A" of this by-law shall be annually levied and collected from the year 1899 to the year 1908 both years inclusive.

6. That a poll shall be held and the votes of the ratepayers entitled to vote upon this by-law shall be taken thereon on Friday, 23rd day of September next, at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, in Vandusen's Hall, by J. D. Tobey, returning officer.

7. On Wednesday, Sept. 21, 1898, the Reeve of the said Village shall attend at the Clerk's Office at 12 o'clock noon, to appoint persons to attend at the polling place and at the final summing up of the votes by the Clerk, respectively on behalf of the persons interested in and promoting or opposing this by-law.

8. The clerk shall immediately at the close of the poll sum up the number of votes given for and against this by-law.

9. That this by-law shall come into force and effect immediately after the final passing thereof by the Municipal Corporation of the Village of Tara,

Read first time August 29, 1898.

Published in Tara Leader Newspaper September 1st, 8th and 15th.

Assented to by a vote of the ratepayers, vote taken Sept. 23, 1898, the vote being as follows : For 72, against 4.

Number on Assessment Roll qualified to vote 86.

Read second and third time and finally passed by the Municipal Council of the Village of Tara this twenty-sixth day of September, A.D. 1898.

J. D. TOBEY,
Clerk.

ANDREW TRELFORD,
Reeve.

{ Corporate Seal
of the
Village of Tara }

2nd Session, 9th Legislature, 62 Vic., 1899

BILL.

An Act to confirm By-Law No. 152
of the Village of Tara.

First Reading, 14th February, 1899.
Second Reading, 15th March, 1899.

*(Reprinted as amended in Committee
of the Whole House.)*

Mr. BOWMAN.

TORONTO :

PRINTED BY L. K. CAMERON.

Printer to the Queen's Most Excellent Majesty.

An Act respecting the Township of Madoc.

WHEREAS the corporation of the Township of Madoc have Preamble.
by their petition, represented that in aiding the Belle-
ville and North Hastings Railway Company, they incurred a
debt of \$37,200.00, for which amount debentures of the said
5 corporation were issued under by-law No. 81, passed on the
seventeenth day of October, A.D. 1874, and that no provision
by way of sinking fund for redeeming the same was in and
by the said by-law made and that none of the principal but
only the annual interest on said debentures has been paid;
10 and whereas under and by virtue of an agreement entered into
between the said corporation and the corporation of the
Village of Madoc, on the twenty-eighth day of December, A.D.
1878, it was agreed that the said corporation of the Village of
Madoc should assume and pay to the first named corporation a
15 portion of said debentures being in amount \$5,723.25; and
whereas the said debentures will become due and payable in
the month of April, 1899, and whereas it has been made to
appear that the levying of a rate for the immediate payment
of the said debt would be unduly oppressive to the ratepayers:
20 and whereas the said corporation have by their petition,
prayed that they may be authorized to issue debentures for
the sum of \$32,000.00 to meet and pay off the said debentures,
falling due as aforesaid; and whereas it is expedient to grant
the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Issue of
debentures.

1. It shall be lawful for the corporation of the township of Madoc to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums of not less than \$100 and not exceeding \$32,000.20 in the whole, as the said corporation may from time to time direct and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable at such place or places in this province as the said corporation may deem expedient. 5 10

Power to raise
money on
debentures.

2. The corporation of the said township may, for the purpose herein mentioned, raise money by way of loan on the said debentures or sell and dispose of the said debentures from time to time as they may deem expedient. 15

Payment of
debentures
and interest.

3. The said debentures shall be payable in not more than thirty years from the issue thereof as the said corporation may direct. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable yearly on the first day of April or half yearly on the first day of the months of April and October in each and every year, at the place mentioned therein and in the coupons attached thereto, and the said debentures may bear interest at any rate not exceeding four per cent. per annum. 20 25

Application of
debentures.

4. The said debentures and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the now outstanding debentures of the township of Madoc, issued in aid of the Belleville and North Hastings Railway Company, and in no other manner, and for no other purpose whatsoever, and said debentures may be known as the Belleville and North Hastings railway debentures. 30

Calling in
outstanding
debentures.

5. The treasurer of the said township, on receiving instructions from the council so to do, shall, on the maturity of the debentures now outstanding, discharge the same with the funds raised under the preceding sections of this Act, or may, with the consent of the holders of the said outstanding debentures, substitute therefor the debentures, or any of them herein authorized to be issued as may be agreed upon between the said council and the holders of the said outstanding debentures. 35 40

By-laws not to
be repealed
until debts
paid.

6. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law, and the interest thereon shall be paid and satisfied. 45

7. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding thirty years from the first day of April, 1899, so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt has to be discharged.

Debentures
how payable.

8. The said corporation shall levy, in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest, in respect of the debentures authorized to be issued under this Act, to be called the Belleville and North Hastings Railway Debenture Rate, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Special rate.

9. It shall be the duty of the treasurer of the said township from time to time to keep, and it shall be the duty of each of the members of the said municipal council from time to time to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which shall from time to time be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the time at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale, or negotiation of the said debentures and the application which shall from time to time be made of the said amounts, and the said book of accounts and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of said township, and of any of the holders from time to time of the debentures, which shall be issued under the powers hereby conferred, or any of the said debentures now outstanding.

Books of
account to be
kept.

10. It shall not be necessary to obtain the assent of the electors of the said township of Madoc to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*, or any Act amending the same.

Assent of
electors not
necessary
Rev. Stat. 223

11. The debentures to be issued under this Act, may be in the form of Schedule A. hereto, and the by-law or by-laws authorizing the same may be in the form set out in Schedule B. to this Act.

Form of
debentures
and by-laws.

Inconsistent provisions not to apply.

12. Any provisions of the Acts respecting municipal institutions, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the corporation under the provisions of this Act, and no irregularity in form, either of the debentures to be issued under this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence in any action which may be brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof. 5 10

Short title.

13. This Act may be cited as *The Madoc Railway Debenture Act, 1899.* 15

SCHEDULE A.

Province of Ontario, Township of Madoc.

MADOC RAILWAY DEBENTURE RATE.

\$

No.

Under and by virtue of *The Madoc Railway Debenture Act, 1899*, and by virtue of By-law No. of the Corporation of the Township of Madoc passed under the provisions contained in the said Act, the Corporation of the Township of Madoc in the County of Hastings, promises to pay to the bearer at in the City of the sum of \$ on the day of A. D. 18 , and to pay the bearer the yearly coupons, for interest thereon hereto attached, as the same shall severally become due.

Dated at in the Township of Madoc, this day of A. D., 189 .

Reeve.

Treasurer.

SCHEDULE B.

BY-LAW No. OF THE TOWNSHIP OF MADOC.

To authorize the issue of debentures under the authority of *The Madoc Railway Debenture Act, 1899*.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned to be known as the Madoc Railway Debentures, not exceeding the sum of \$32,000 in the whole, as the Corporation of the Township of Madoc may in pursuance of and in conformity with the provision of the said Act direct.

And whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$ payable on the day of with interest thereon at the rate of per cent per annum payable yearly according to the coupons to the said debentures attached.

And whereas the amount of the whole rateable property of the Township of Madoc according to the last revised assessment roll of the said Township being for the year 189 was \$

Therefore the Municipal Corporation of the Township of Madoc hereby enacts as follows :

1. Debentures under the said Act and for the purposes therein mentioned to be known as the Madoc Railway Debentures to the extent of \$ are hereby authorized and directed to be issued.
2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of per cent per annum, payable half yearly, on the first day of the month of and in each year.
3. The said debentures shall be payable in yearly payments of principal and interest combined, and such yearly payment of principal and interest combined to be as nearly equal each other as possible.
4. This by-law shall come into effect forthwith after the passing thereof.

Passed in open Council this day of A. D., 189 .

Reeve.

Treasurer.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Township of Madoc.

First Reading,	1899.
----------------	-------

(Private Bill.)

Mr. ALLEN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 13.]

BILL.

[1899.

An Act respecting the Township of Madoc.

WHEREAS the *municipal* corporation of the Township of Madoc have by their petition, represented that in aiding the Belleville and North Hastings Railway Company, they incurred a debt of \$37,200, for which amount debentures of the said corporation were issued under by-law No. 81, passed on the seventeenth day of October, A.D. 1874, and that no provision by way of sinking fund for redeeming the same *has been* made and that none of the principal but only the annual interest on said debentures has been paid; and whereas under and by virtue of an agreement entered into between the said corporation and the *municipal* corporation of the Village of Madoc, on the twenty-eighth day of December, A.D. 1878, it was agreed that the said corporation of the Village of Madoc should assume and pay to the first named corporation a portion of said debentures being in amount \$5,723.25; and whereas the said debentures will become due and payable in the month of April, 1899, and whereas it has been made to appear that the levying of a rate for the immediate payment of the said debt would be unduly oppressive to the ratepayers; and whereas the said corporation have by their petition, prayed that they may be authorized to issue debentures for the sum of \$32,000 to meet and pay off the said debentures, falling due as aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Issue of debentures.

1. It shall be lawful for the corporation of the township of Madoc to pass a by-law providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums of not less than \$100 and not exceeding \$32,000 in the whole, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable at such place or places in this province as the said corporation may deem expedient.

Power to raise money on debentures.

2. The corporation of the said township may, for the purpose *in section 4* hereof mentioned, raise money by way of loan on the said debentures ~~in~~ in this Province or in Great Britain or elsewhere ~~or~~ or sell and dispose of the said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

3. The said debentures shall be payable in not more than *twenty* years from the issue thereof as the said corporation may direct. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable yearly on the first day of April or half yearly on the first day of the months of April and October in each and every year, at the place mentioned therein and in the coupons attached thereto, and the said debentures may bear interest at any rate not exceeding four per cent. per annum.

Application of debentures.

4. The said debentures and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the now outstanding debentures of the township of Madoc, issued in aid of the Belleville and North Hastings Railway Company, and in no other manner, and for no other purpose whatsoever, and said debentures may be known as the Belleville and North Hastings railway debentures.

Calling in outstanding debentures.

5. The treasurer of the said township, on receiving instructions from the council so to do, shall, on the maturity of the debentures now outstanding, discharge the same with the funds raised under the preceding sections of this Act, or may, with the consent of the holders of the said outstanding debentures, substitute therefor the debentures, or any of them herein authorized to be issued as may be agreed upon between the said council and the holders of the said outstanding debentures.

By-laws not to be repealed until debts paid.

6. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law, and the interest thereon shall be paid and satisfied.

7. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding *twenty* years from the first day of April, 1899, so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged. Debentures how payable.

8. The said corporation shall levy, in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest, in respect of the debentures authorized to be issued under this Act, to be called the Belleville and North Hastings Railway Debenture Rate, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them. Special rate.

9. It shall be the duty of the treasurer of the said township from time to time to keep, and it shall be the duty of each of the members of the said municipal council from time to time to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which shall from time to time be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the time at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale, or negotiation of, the said debentures and the application which shall from time to time be made of the said amounts, and the said book of accounts and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of said township, and of any of the holders from time to time of the debentures, which shall be issued under the powers hereby conferred, or any of the said debentures now outstanding. Books of account to be kept.

10. It shall not be necessary to obtain the assent of the electors of the said township of Madoc to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*, or any Act amending the same. Assent of electors not necessary Rev. Stat. 223

11. The debentures to be issued under this Act, may be in the form of Schedule A. hereto, and the by-law or by-laws authorizing the same may be in the form set out in Schedule B. to this Act. Form of debentures and by-laws

Inconsistent
provisions not
to apply.

12. Any provisions of the Acts respecting municipal institutions, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the corporation under the provisions of this Act, and no irregularity in form, either of the debentures to be issued under this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence in any action which may be brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Short title.

13. This Act may be cited as *The Madoc Railway Debenture Act, 1899*.

SCHEDULE A.

Province of Ontario, Township of Madoc.

MADOC RAILWAY DEBENTURE.

§

No.

Under and by virtue of *The Madoc Railway Debenture Act, 1899*, and by virtue of By-law No. of the Corporation of the Township of Madoc passed under the provisions contained in the said Act, the Corporation of the Township of Madoc in the County of Hastings, promises to pay to the bearer at in the City of the sum of \$ on the day of A. D. 18 , and to pay the bearer the yearly coupons, for interest thereon hereto attached, as the same shall severally become due.

Dated at in the Township of Madoc, this day of
A. D., 189 .

Reeve.

Treasurer.

SCHEDULE B.

BY-LAW No. OF THE TOWNSHIP OF MADOC.

To authorize the issue of debentures under the authority of *The Madoc Railway Debenture Act, 1899*.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned to be known as the Madoc Railway Debentures, not exceeding the sum of \$32,000 in the whole, as the Corporation of the Township of Madoc may in pursuance of and in conformity with the provision of the said Act direct.

And whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$ payable on the day of with interest thereon at the rate of per cent per annum payable yearly according to the coupons to the said debentures attached.

And whereas the amount of the whole rateable property of the Township of Madoc according to the last revised assessment roll of the said Township being for the year 189 was \$

Therefore the Municipal Corporation of the Township of Madoc hereby enacts as follows :

1. Debentures under the said Act and for the purposes therein mentioned to be known as the Madoc Railway Debentures to the extent of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of per cent per annum payable yearly, on the first day of the month of in each year.

3. The said debentures shall be payable in yearly payments of principal and interest combined, and such yearly payment of principal and interest combined to be as nearly equal each other as possible.

4. This by-law shall come into effect forthwith after the passing thereof.

Passed in open Council this day of A. D., 189 .

Reeve.

Treasurer.

BILL.

An Act respecting the Township of Madoc.

First Reading, 15th Feb., 1899.

*(Reprinted as amended by Private Bills
Committee.)*

MR. ALLEN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 14.]

BILL.

[1899.

An Act respecting By-law No. 109 of the Town of Welland.

WHEREAS the corporation of the municipality of the Preamble.
Town of Welland in the County of Welland has petitioned, praying that an Act may be passed to confirm and legalize a by-law of the said corporation passed on the 4th day
5 of July, 1898, entitled "No. 109, a by-law to provide for constructing a sewer in Ward No. 3 of the Town of Welland, and for borrowing upon the credit of the said town the sum of \$1,616 for completing the same," a copy of which said by-law is contained in the schedule to this Act; and whereas the said
10 corporation of the said municipality of the said town, by their petition, have represented that it is necessary and expedient and of advantage to the said municipality that the said by-law No. 109 should be ratified and declared legal, valid and binding; and whereas it is expedient to grant the prayer of the
15 said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

20 **1.** By-law No. 109 of the municipal corporation of the By-law
Town of Welland set forth in Schedule "A." to this Act is No. 109 confirmed.
hereby confirmed and declared legal, valid and binding upon the said municipal corporation, and the ratepayers thereof and affected thereby, notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the

same, and notwithstanding any want of jurisdiction on the part of the municipality to pass the same, and the said corporation is hereby authorized and empowered to issue debentures as provided by the said by-law and the said debentures issued under said by-law are declared legal and binding upon said municipality, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law No. 109. 5

SCHEDULE A.

BY-LAW No. 109.

(Section 1.)

A by-law to provide for constructing a sewer in Ward No. 3 of the Town of Welland and for borrowing upon the credit of the said town the sum of \$1,616, for completing the same.

Whereas it has been thought necessary to construct a sewer in the Third Ward of the said Town of Welland on Dennistoun Street and West Main Street; and whereas the municipal council of the said Town of Welland procured an examination to be made by George Ross, Civil Engineer, being a person competent for such purpose, of the locality proposed to be benefitted thereby, and having also procured plans and estimates of the work to be made by the said George Ross, and an assessment also to be made by him of the real property to be benefitted by such sewer, stating as nearly as he can the proportion of benefit which in his opinion will be derived in consequence of such sewer by every street or lot or portion of lot. The assessment so made being the assessment hereinafter enacted by this by-law to be assessed and levied upon the lots or parts of lots hereinafter in that behalf specially set forth and described, and the report of the said George Ross in respect thereof and of the said sewer, being as follows:

To the Mayor and Members of the Municipal Council of the Town of Welland:

GENTLEMEN,—In accordance with instructions to me I now submit a detailed assessment on lots to be benefitted by the proposed sewer in Dennistoun Street from the Welland River to West Main Street, and thence on West Main Street to Fraser Street. This work will greatly improve the sanitary condition of the lots fronting on it as it will provide efficient sewerage and cellar drainage, besides quickly carrying off the surface water from the streets along which it is located. The estimate provides for an eighteen inch sewer on Dennistoun Street and this will be sufficient for carrying off all surface water that may be conveyed to it. Should the Dennistoun Street sewer be continued south of West Main Street, an eighteen inch sewer would be required only as far as it may be considered necessary to provide for taking the water from the main channel between Dennistoun Street and the raceway. The proposed sewer on Dennistoun Street will be a sufficient outlet for all branch sewers on West Main, Bald and Jane Streets between Fraser Street and the raceway, and a small rate for outlet is assessed against all lots in this tract.

The branch sewers as shown in the accompanying plan will provide efficient sewerage and cellar drainage, and the drainage of surface water from the area assessed lying between Dennistoun and Fraser Streets and will also provide efficient sewerage and cellar drainage for all lots assessed

lying west of Dennistoun Street, except a few low lying lots along the main water course where cellar drainage could not be provided except at a great increase of the cost of the whole system. The assessment for outlet in these low lying lots is correspondingly reduced.

1. The property to be benefitted is as shown on the accompanying plan and also specified in the schedule of assessment.
2. The probable lifetime of the work is about forty years.
3. I estimate the probable cost of the proposed work at \$1,616. This includes the construction of an eighteen inch sewer on Dennistoun Street between the river and West Main Street, and a twelve inch sewer on West Main Street, between Dennistoun and Queen Streets, and a nine inch sewer to Fraser Street.

As it is considered best to locate the sewer along the edge of the road-bed rather than along the centre of the street, I have made a difference in the rate of the frontage assessment on opposite side of the street to offset the difference in the cost of connecting the sewer.

Of the total cost of \$1,616, I have rated the sum of \$450 against the corporation on account of street intersections, school lots, surface drainage and as explained in my report of 16th ult.

The assessment frontage and outlet is as stated in the following schedule :

FRONTAGE ASSESSMENT FOR SEWER ON WEST MAIN AND DENNISTOWN STREETS.

Owner.	Street.	Lot.	Value of improvement.	To cover interest for 10 years at 4 per cent.	Total special rate.	Annual assessment during each year for 10 years.
Mrs. Rushing	West Main, S. S.	 4	\$ c. 27 00	\$ c. 6 44	\$ c. 33 44	\$ c. 3 34
Mrs. Tuckey	"	E pt.	13 00	3 10	16 10	1 61
R. Morwood Estate	"	W pt.	14 00	3 34	17 34	1 73
H. N. Wilson	"	 5	27 00	6 44	33 44	3 34
D. D. Hoover	"	 7	27 00	6 44	33 44	3 34
F. Adley	"	 8	27 00	6 44	33 44	3 34
J. T. Dunare	"	 9	27 00	6 44	33 44	3 34
M. Vanderburgh	"	 10	27 00	6 44	33 44	3 34
Mrs. M. Wishart	"	 11	27 00	6 44	33 44	3 34
D. Moore & Co.	"	 12	27 00	6 44	33 44	3 34
C. H. Reilly	"	 13	27 00	6 44	33 44	3 34
J. B. Stephens	" N. S.	E. pt.	28 00	6 68	34 68	3 47
London and Canadian Loan and Agency Co.	"	W pt.	38 50	9 18	47 68	4 77
A. Hendershot	"	E. pt.	13 00	3 10	16 10	1 61
W. W. Wilson	"	W pt.	20 00	4 78	24 78	2 48
L. Robins	"	E. pt.	18 00	5 17	22 17	2 22
R. Moore	"	W pt.	32 00	7 51	39 51	3 95
Mrs. M. Phillips	Franklin, E. S.	 27 & 28	50 00	11 84	61 84	6 18
Mrs. Johnson	Franklin, N. S., and West Main, N. S.	 30 } 31 }	50 00	11 84	61 84	6 18
M. Lounsbery	West Main, N. S.	 32	35 00	8 37	43 37	4 34
J. M. Wade	"	E. $\frac{1}{2}$	17 50	4 18	21 68	2 17
J. Peach	"	W. $\frac{1}{2}$	17 50	4 18	21 68	2 17

FRONTAGE ASSESSMENT FOR SEWER ON WEST MAIN AND DENNISTOWN STREETS.

Owner.	Street.	Lot.	Value of improvement.	To cover interest for 10 years at 4 per cent.	Total special rate.	Annual assessment during each year for 10 years.
S. W. Downey	West Main, N. S.	34	\$ c. 35 00	\$ c. 8 37	\$ c. 43 37	\$ c. 4 34
R. McClellan	"	35	80 00	19 10	99 10	9 91
F. M. Hagar	Dennistown, E. S.	W. B.	40 00	9 55	49 55	4 96
W. E. Hardison	"	Cemetery	50 00	11 94	61 94	6 19
J. McLashan Estate	"	C. B. C.	20 00	4 71	24 71	2 47
Mrs. Springer	N. S.	45 & S. pt.	60 00	14 33	74 33	7 43
P. & T. F. Brown	"	N. p.	10 00	2 39	12 39	1 24
Ambrose Ellsworth	West Main, N. S.	E. $\frac{1}{2}$	2 50	60	3 10	31
W. M. Ellsworth	"	W. $\frac{1}{2}$	2 50	60	3 10	31
John Soule	"	J. L. & S. E. pt. H. R.	11 00	2 63	13 63	1 36
Non-resident	"	1	20 00	4 80	24 80	2 48
J. W. Eastman	S. S.	2 & 3	6 00	1 44	7 44	75
F. McClellan	"	4	4 00	1 08	5 08	51
J. Shanahan	"	5	4 00	1 08	5 08	51
E. H. Hagar	"	6	4 00	1 08	5 08	51
Non-resident	"	7	4 00	1 08	5 08	51
Mrs. M. White	Bald, A. S.	28	7 00	1 68	8 68	87
R. Morwood Estate	"	27	7 00	1 68	8 68	87
H. N. Wilson	"	26	7 00	1 68	8 68	87
T. W. Duncan	"	25	7 00	1 68	8 68	87
J. W. Springer	"	24	7 00	1 68	8 68	87
J. T. Dunare	"	23	7 00	1 68	8 68	87
M. Vanderburgh	"	22	7 00	1 68	8 68	87
Jas. Bampton	"	21	3 00	72	3 72	37

FRONTAGE ASSESSMENT FOR SEWER ON WEST MAIN AND DENNISTOUN STREETS.---Continued.

Owner.	Street.	Lot.	Value of improvement.	To cover interest for 10 years at 4 per cent.	Total special rate.	Annual assessment during each year for 10 years.
			\$ c.	\$ c.	\$ c.	\$ c.
D. Moore & Co.....	Bald, N S.....	20	3 00	72	3 72	37
C. H. Reilly	"	19	3 00	72	3 72	37
M. Lounsbury	"	8	3 50	84	4 34	44
Jas Oliver.....	"	9	3 00	72	3 72	37
Non-resident	"	10	2 50	60	3 10	31
J. Shanahan	"	11	3 00	72	3 72	37
Non resident	"	12	3 50	84	4 34	44
Non-resident	"	13	3 50	84	4 34	44
H. A. Rose	" S. S.....	55, 56, 57, 58	38 00	9 07	47 07	4 71
	Jane, N. S.....	34, 35, 36, 37				
	"	53, 54				
Andrew Carl	Bald, S. S.....	38, 39	20 00	4 71	24 71	2 47
Geo. Hannah	"	40	7 00	1 68	8 68	87
M. Mc Vuliff	"	41	7 00	1 68	8 68	87
T. W. Duncan	"	42	3 00	72	3 72	37
R. Hannah Estate	"	43	3 00	72	3 72	37
Mrs. R. A. Campbell	"	44	3 00	72	3 72	37
Mrs. R. A. Campbell	Dennistoun, E. S.	46 & 47	4 50	1 07	5 57	56
L. S. Lundy Estate	"	45	3 00	72	3 72	37
Jackson Wade	Bald, S. S.....	14	3 00	72	3 72	37
J. Saunders	"	15	2 00	48	2 48	25
Geo. Morris Estate	"	16	1 50	36	1 86	19
Lavinia Cook	"	17	1 50	36	1 86	19
M. Lounsbury	"	18	2 00	48	2 48	25

FRONTAGE ASSESSMENT FOR SEWER ON WEST MAIN AND DENNISTOWN STREETS.—*Concluded.*

(Owner.	Street.	Lot.	Value of improvement.	To cover interest for 10 years at 4 per cent.	Total special rate.	Annual assessment during each year for 10 years.
			\$ c.	\$ c.	\$ c.	\$ c.
Omer Herrick	Bald, S. S.	 19	3 00	72	3 72	37
R. Morwood Estate	"	 20	3 00	72	3 72	37
W. Vanderburgh	Jane, N. S.	 52	6 00	1 44	7 44	74
J. McCoombs	"	 51	2 00	48	2 48	25
F. Kennedy	"	 50	2 00	48	2 48	25
J. E. Whalley	"	 49	2 00	48	2 48	25
Geo. Bowman	"	 48	2 00	48	2 48	25
Jackson Wade	"	 21	2 00	48	2 48	25
Thomas Dalton	"	 22	2 00	48	2 48	25
Martha Hobbins	"	 23	1 00	24	1 24	12
R. Morwood Estate	"	 24	1 00	24	1 24	12
W. R. Eastman	"	 25 & 26	2 00	48	2 48	25
T. W. Duane	"	 27	1 00	24	1 24	12
Hooker Estate	S. S.	65, 67, 72 & W 71	21 00	5 02	26 02	2 60
J. J. Sibley	"	 68	6 00	1 44	7 44	74
R. H. Morwood	"	70 & E. 71	8 00	1 91	9 91	99
D. D. Hooker	"	 69	6 00	1 44	7 44	74
P. & T. F. Brown	"	73, 74, 75, 76, 77 & 78	10 00	2 39	12 39	1 24
R. Morwood Estate	"	J	4 00	96	4 86	50
Municipality Town of Welland			1 202 00	287 10	1,489 10	148 90
			414 00	98 80	512 80	51 28
			1,616 00	385 90	2,001 90	200 18

Estimate of cost of constructing sewer on Dennistoun Street from the Welland River to West Main Street, and along West Main Street to Frazer Street.

Sewer pipe \$730.00, catch basin and connections \$120.00, survey plans and report \$40.00, Excavation, pipelaying, &c., \$700.00, by-law expenses, \$26.00. Total estimated cost, \$1,616.00.

Welland, 3rd Sept., 1897, all of which is respectfully submitted.

Sgd. GEO. ROSS,
Engineer.

And whereas the said Council are of opinion that the drain or sewer in the locality is desirable.

It is therefore enacted by the said the Municipal Council of the Town of Welland pursuant to the provisions of the Municipal Act.

1st. That the Report, plan and specifications be adopted and the said sewer and the works connected therewith be made and constructed in accordance therewith.

2nd. That the Mayor of the said town may borrow on the credit of the Corporation of the said Town of Welland the sum of one thousand, six hundred and sixteen dollars, being the funds necessary for the work, and may issue debentures of the Corporation to that amount in sums of not less than one hundred dollars, each payable within ten years from the date thereof with interest at the rate of four per cent per annum, that is to say, in annual payments, such debentures to be payable at the office of the said town, and to have attached to them coupons for the payment of interest.

3rd. That for the purpose of paying the sum of \$1,166.00, being the amount charged against the said lands so as to be benefited as aforesaid other than the streets and hydrants belonging to the Municipality, and to cover interest thereon at the rate of four per cent per annum, the above special rates over and above all other rates shall be assessed and levied in the same manner and at the same time as taxes are levied upon the above described lots and parts of lots, and the amount of the said special rates and interest assessed as aforesaid against each lot or part of lot respectively, shall be divided into ten equal parts, and one of such parts shall be assessed and levied as aforesaid in each year for ten years after the final passing of this by-law during which the said debentures have to run.

4th. That for the purpose of paying the sum of \$414.00, being the total amount assessed as aforesaid against the said roads of the said Municipality and to cover interest thereon at the rate of four per cent per annum, a special rate of \$51.28 over and above all other rates shall be levied in the same manner and at the same time as other taxes are levied upon the whole rateable property in the said Town of Welland in each year for the period of ten years after the date of the final passing of this by-law during which the said debentures have to run.

Read in Council the first and second time on the 5th day of June, 1898, and referred to committee for completion of calculations on same.

Sgd. E. R. HELLEMS,
Clerk.

Reported as amended on the 4th day of July, 1898, said amendments being change of rate of interest as shewn therein.

Sgd. E. R. HELLEMS,
Clerk.

Read the third time and passed in Council the 4th day of July, 1898.

Sgd. E. R. HELLEMS,
Clerk.



Sgd. D. D. HOOKER,
Mayor.

No. 14.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act respecting By-Law No. 109 of the
Town of Wexford.

First Reading,	1898.
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(Private Bill.)

Mr. GERMAN.

TORONTO :

PRINTED BY I. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 14.]

BILL.

[1899.

An Act respecting By-law No. 109 of the Town of Welland.

WHEREAS the *Municipal* corporation of the Town of Welland in the County of Welland has petitioned, praying that an Act may be passed to confirm and legalize a by-law of the said corporation passed on the 4th day of July, 1898, entitled "No. 109, a by-law to provide for constructing a sewer in Ward No. 3 of the Town of Welland, and for borrowing upon the credit of the said town the sum of \$1,616 for completing the same," a copy of which said by-law is contained in the schedule to this Act; and whereas the said corporation, by their petition, have represented that it is necessary and expedient and of advantage to the said municipality that the said by-law No. 109 should be ratified and declared legal, valid and binding; ~~and~~ and whereas no opposition has been made to the said petition; ~~and~~ and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 109 of the municipal corporation of the Town of Welland set forth in Schedule "A." to this Act is hereby confirmed and declared legal, valid and binding upon the said municipal corporation, and the ratepayers thereof and affected thereby, ~~from~~ from the date of the passing thereof, ~~and~~ notwithstanding any defect in substance or in form of the said By-law
No. 109 con-
firmed.

by-law or in the manner of passing the same, and notwithstanding any want of jurisdiction on the part of the municipality to pass the same and the said corporation is hereby authorized and empowered to issue debentures as provided by the said by-law and the said debentures issued under said by-law are declared legal and binding upon said municipality, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law No. 109.

(2) Nothing in this Act contained shall prejudice or affect the question of costs of any action or proceeding now pending.

SCHEDULE A.

BY-LAW No. 109.

(Section 1.)

A by-law to provide for constructing a sewer in Ward No. 3 of the Town of Welland and for borrowing upon the credit of the said town the sum of \$1,616, for completing the same.

Whereas it has been thought necessary to construct a sewer in the Third Ward of the said Town of Welland on Dennistoun Street and West Main Street; and whereas the municipal council of the said Town of Welland procured an examination to be made by George Ross, Civil Engineer, being a person competent for such purpose, of the locality proposed to be benefitted thereby, and having also procured plans and estimates of the work to be made by the said George Ross, and an assessment also to be made by him of the real property to be benefitted by such sewer, stating as nearly as he can the proportion of benefit which in his opinion will be derived in consequence of such sewer by every street or lot or portion of lot. The assessment so made being the assessment hereinafter enacted by this by-law to be assessed and levied upon the lots or parts of lots hereinafter in that behalf specially set forth and described, and the report of the said George Ross in respect thereof and of the said sewer, being as follows:

To the Mayor and Members of the Municipal Council of the Town of Welland.

GENTLEMEN,—In accordance with instructions to me I now submit a detailed assessment on lots to be benefitted by the proposed sewer in Dennistoun Street from the Welland River to West Main Street, and thence on West Main Street to Fraser Street. This work will greatly improve the sanitary condition of the lots fronting on it as it will provide efficient sewerage and cellar drainage, besides quickly carrying off the surface water from the streets along which it is located. The estimate provides for an eighteen inch sewer on Dennistoun Street and this will be sufficient for carrying off all surface water that may be conveyed to it. Should the Dennistoun Street sewer be continued south of West Main Street, an eighteen inch sewer would be required only as far as it may be considered necessary to provide for taking the water from the main channel between Dennistoun Street and the raceway. The proposed sewer on Dennistoun Street will be a sufficient outlet for all branch sewers on West Main, Bald and Jane Streets between Fraser Street and the raceway, and a small rate for outlet is assessed against all lots in this tract.

The branch sewers as shown in the accompanying plan will provide efficient sewerage and cellar drainage, and the drainage of surface water from the area assessed lying between Dennistoun and Fraser Streets and will also provide efficient sewerage and cellar drainage for all lots assessed lying west of Dennistoun Street, except a few low lying lots along the main water course where cellar drainage could not be provided except at a great increase of the cost of the whole system. The assessment for outlet in these low lying lots is correspondingly reduced.

1. The property to be benefited is as shown on the accompanying plan and also specified in the schedule of assessment.

2. The probable lifetime of the work is about forty years.

3. I estimate the probable cost of the proposed work at \$1,616. This includes the construction of one thirteen inch sewer on Dennistoun Street between the river and West Main Street, and a twelve inch sewer on West Main Street, between Dennistoun and Queen Streets, and a nine inch sewer to Fraser Street.

As it is considered best to locate the sewer along the edge of the road-bed rather than along the centre of the street, I have made a difference in the rate of the frontage assessment on opposite side of the street to offset the difference in the cost of connecting the sewer.

Of the total cost of \$1,616, I have rated the sum of \$450 against the corporation on account of street intersections, school lots, surface drainage and as explained in my report of 16th ult.

The assessment frontage and outlet is as stated in the following schedule :

FRONTAGE ASSESSMENT FOR SEWER ON WEST MAIN AND DENNISTOWN STREETS.

(Owner.)	Street.	Lot.	Value of improvement.	To cover interest for 10 years at 4 per cent.	Total special rate.	Annual assessment during each year for 10 years.
			\$ c.	\$ c.	\$ c.	\$ c.
Mrs. Rushing	West Main, S. S.	 4	27 00	6 44	33 44	3 34
Mrs. Tuckey	"	E. pt. 5	13 00	3 10	16 10	1 61
R. Monwood Estate	"	W. pt. 5	14 00	3 34	17 34	1 73
H. N. Wilson	"	 6	27 00	6 44	33 44	3 34
D. D. Hoover	"	 7	27 00	6 44	33 44	3 34
F. Adley	"	 8	27 00	6 44	33 44	3 34
J. T. Dunare	"	 9	27 00	6 44	33 44	3 34
M. Vanderburgh	"	 10	27 00	6 44	33 44	3 34
Mrs. M. Wishart	"	 11	27 00	6 44	33 44	3 34
D. Moore & Co.	"	 12	27 00	6 44	33 44	3 34
C. H. Reilly	"	 13	27 00	6 44	33 44	3 34
J. B. Stephens	"	E. pt. 12	28 00	6 68	34 68	3 47
London and Canadian Loan and Agency Co.	"	 12	38 50	9 18	47 68	4 77
A. Hendershot	"	E. pt. 17	13 00	3 10	16 10	1 61
W. W. Wilson	"	W. pt. 17	20 00	4 78	24 78	2 48
D. Robins	"	E. pt. 22	18 00	5 17	22 17	2 22
R. Moore	"	W. pt. 22	32 00	7 51	39 51	3 95
Mrs. M. Phillips	Franklin, E. S.	 27 & 28	50 00	11 84	61 84	6 18
Mrs. Johnson	Franklin, N. S., and West Main, N. S.	 30 } 31 }	50 00	11 84	61 84	6 18
M. Lounsbery	West Main, N. S.	 32	35 00	8 37	43 37	4 34
J. M. Wade	"	E. $\frac{1}{2}$ 33	17 50	4 18	21 68	2 17
J. Peach	"	W. $\frac{1}{2}$ 33	17 50	4 18	21 68	2 17

FRONTAGE ASSESSMENT FOR SEWER ON WEST MAIN AND DENNISTOWN STREETS.

Owner.	Street.	Lot.	Value of improvement.	To cover interest for 10 years at 4 per cent.	Total special rate.	Annual assessment during each year for 10 years.
S. W. Downey	West Main, N. S.	34	\$ 35 00	\$ 8 37	\$ 43 37	\$ 4 34
R. McChellan	"	35	80 00	19 10	99 10	9 91
F. M. Hagar	Dennistown, E. S.		40 00	9 55	49 55	4 96
W. E. Hardison	"	W. B. Cemetery	50 00	11 94	61 94	6 19
J. McLashan Estate	"	C. B. Cemetery	20 00	4 71	24 71	2 47
Mrs. Springer	"	45 & S. pt.	60 00	14 33	74 33	7 43
P. & T. F. Brown	"	N. pt.	10 00	2 39	12 39	1 24
Ambrrose Ellsworth	West Main, N. S.	E. 3	2 50	60	3 10	31
W. M. Ellsworth	"	W. 1	2 50	60	3 10	31
John Soule	"	J. L. & S. E. pt. H. R.	11 00	2 63	13 63	1 36
Non resident	"		20 00	4 80	24 80	2 48
J. W. Eastman	"	2 & 3	6 00	1 44	7 44	75
F. McChellan	"		4 00	1 08	5 08	51
J. Shanahan	"		4 00	1 08	5 08	51
E. H. Burgar	"		4 00	1 08	5 08	51
Non resident	"		4 00	1 08	5 08	51
Mrs. M. White	Bald, N. S.		7 00	1 68	8 68	87
R. Morwood Estate	"	28	7 00	1 68	8 68	87
H. N. Wilson	"	27	7 00	1 68	8 68	87
T. W. Duncan	"	26	7 00	1 68	8 68	87
J. W. Springer	"	25	7 00	1 68	8 68	87
J. T. Dunare	"	24	7 00	1 68	8 68	87
M. Vanderburgh	"	23	7 00	1 68	8 68	87
Jas. Baughton	"	22	7 00	1 68	8 68	87
	"	21	3 00	72	3 72	37

FRONTAGE ASSESSMENT FOR SEWER ON WEST MAIN AND DENNISTON STREETS.—Continued.

Owner.	Street.	Lot.	Value of improvement.	To cover interest for 10 years at 4 per cent.	Total special rate.	Annual assessment during each year for 10 years.
D. Moore & Co.	Bald, N S	20	\$ 3 00	72	\$ c.	37
C. H. Reilly	"	19	3 00	72	3 72	37
M. Lounsbury	"	8	3 50	84	4 34	44
Jas. Oliver	"	9	3 00	72	3 72	37
Non-resident	"	10	2 50	60	3 10	31
J. Shaughan	"	11	3 00	72	3 72	37
Non-resident	"	12	3 50	84	4 34	44
Non-resident	"	13	3 50	84	4 34	44
H. A. Rose	" S S	55, 56, 57, 58	38 00	9 07	47 07	4 71
	Jane, N S	34, 35, 36, 37				
	"	53, 54	20 00	4 71	24 71	2 47
Andrew Carl	Bald, S S	38, 39				
Geo. Hannah	"	40	7 00	1 68	8 68	87
M. McVuliff	"	41	7 00	1 68	8 68	87
T. W. Duncan	"	42	3 00	72	3 72	37
R. Hannah Estate	"	43	3 00	72	3 72	37
Mrs. R. A. Campbell	"	44	3 00	72	3 72	37
Mrs. R. A. Campbell	Dennistown, E. S.	46 & 47	4 50	1 07	5 57	56
L. S. Lundy Estate	"	45	3 00	72	3 72	37
Jackson Wide	Bald, S S	14	3 00	72	3 72	37
J. Saunders	"	15	2 00	48	2 48	25
Geo. Morris Estate	"	16	1 50	36	1 86	19
Lavinia Cook	"	17	1 50	36	1 86	19
M. Lounsbury	"	18	2 00	48	2 48	25

FRONTAGE ASSESSMENT FOR SEWER ON WEST MAIN AND DENNISTON STREETS.—*Continued.*

Owner.	Street.	Lot.	Value of improvement.	To cover interest for 10 years at 4 per cent.	Total special rate.	Annual assessment during each year for 10 years.
Omer Herrick	Bald, S. S.	19	\$ 3 00	72	3 72	8 37
R. Morwood Estate	"	20	3 00	72	3 72	37
W. Vanderburgh	Jane, N. S.	52	6 00	1 44	7 44	74
J. McCoombs	"	51	2 00	48	2 48	25
F. Kennedy	"	50	2 00	48	2 48	25
J. E. Whalley	"	49	2 00	48	2 48	25
Geo. Bowman	"	48	2 00	48	2 48	25
Jackson Wade	"	21	2 00	48	2 48	25
Thomas Dalton	"	22	2 00	48	2 48	25
Martha Hollins	"	23	1 00	24	1 24	12
R. Morwood Estate	"	24	1 00	24	1 24	12
W. R. Eastman	"	25 & 26	2 00	48	2 48	25
T. W. Duncan	"	27	1 00	24	1 24	12
Hooker Estate	"	66, 67, 72 & W	21 00	5 02	26 02	2 60
J. J. Staley	"	68	6 00	1 44	7 44	74
R. H. Morwood	70 & E	71	8 00	1 91	9 91	99
D. D. Hooker	"	69	6 00	1 44	7 44	74
P. & T. F. Brown	"	73, 74, 75, 76, 77 & 78	10 00	2 39	12 39	1 24
R. Morwood Estate	"	J	4 00	96	4 86	50
Municipality Town of Welland			1 202 00	287 10	1,489 10	148 90
			414 00	98 80	512 80	51 28
			1,616 00	385 90	2 001 90	200 18

Estimate of cost of constructing sewer on Dennistoun Street from the Welland River to West Main Street, and along West Main Street to Frazer Street.

Sewer pipe \$730.00, catch basin and connections \$120.00, survey plans and report \$40.00, Excavation, pipelaying, &c., \$700.00, by-law expenses, \$26.00. Total estimated cost, \$1,616.00.

Welland, 3rd Sept., 1897, all of which is respectfully submitted.

Sgd. GEO. ROSS,
Engineer.

And whereas the said Council are of opinion that the drain or sewer in the locality is desirable.

It is therefore enacted by the said the Municipal Council of the Town of Welland pursuant to the provisions of the Municipal Act.

1st. That the Report, plan and specifications be adopted and the said sewer and the works connected therewith be made and constructed in accordance therewith.

2nd. That the Mayor of the said town may borrow on the credit of the Corporation of the said Town of Welland the sum of one thousand, six hundred and sixteen dollars, being the funds necessary for the work, and may issue debentures of the Corporation to that amount in sums of not less than one hundred dollars, each payable within ten years from the date thereof with interest at the rate of four per cent. per annum, that is to say, in annual payments, such debentures to be payable at the office of the said town, and to have attached to them coupons for the payment of interest.

3rd. That for the purpose of paying the sum of \$1,166.00, being the amount charged against the said lands so as to be benefited as aforesaid other than the streets and hydrants belonging to the Municipality, and to cover interest thereon at the rate of four per cent. per annum, the above special rates over and above all other rates shall be assessed and levied in the same manner and at the same time as taxes are levied upon the above described lots and parts of lots, and the amount of the said special rates and interest assessed as aforesaid against each lot or part of lot respectively, shall be divided into ten equal parts, and one of such parts shall be assessed and levied as aforesaid in each year for ten years after the final passing of this by-law during which the said debentures have to run.

4th. That for the purpose of paying the sum of \$414.00, being the total amount assessed as aforesaid against the said roads of the said Municipality and to cover interest thereon at the rate of four per cent. per annum, a special rate of \$51.28 over and above all other rates shall be levied in the same manner and at the same time as other taxes are levied upon the whole rateable property in the said Town of Welland in each year for the period of ten years after the date of the final passing of this by-law during which the said debentures have to run.

Read in Council the first and second time on the 5th day of June, 1898, and referred to committee for completion of calculations on same.

Sgd. E. R. HELLEMS,
Clerk.

Reported as amended on the 4th day of July, 1898, said amendments being change of rate of interest as shewn therein.

Sgd. E. R. HELLEMS,
Clerk.

Read the third time and passed in Council the 4th day of July, 1898.

Sgd. E. R. HELLEMS,
Clerk.



Sgd. D. D. HOOKER,
Mayor.

No. 14

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting By-Law No. 109 of the
Town of Welland.

First Reading, 15th February, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

MT. GERMAN.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 15.]

BILL.

[1899.

An Act to confirm By-Law No. 467 of the Town
of Prescott.

WHEREAS the Corporation of the municipality of the Preamble
Town of Prescott have petitioned praying that an Act
may be passed to confirm and legalize a by-law of the said
corporation passed on the fifth day of September A. D. 1898,
5 entitled By-law No. 467 "To raise the sum of one hundred
thousand dollars for the construction of a system of Water-
works and Sewers in the Town of Prescott" a copy of which
said by-law is contained in the Schedule to this Act. And
whereas the said Corporation of the said Municipality of the
10 Town of Prescott by their petition have represented that it is
necessary and expedient and of advantage to the said muni-
cipality that the said by-law No. 467 should be ratified and
declared legal valid and binding upon the said municipality.
And whereas it is expedient to grant the prayer of the said
15 petition ;

Therefore, Her Majesty by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario
enacts as follows :—

1. By-Law No. 467 of the municipal corporation of the By-law No.
20 Town of Prescott set forth in Schedule "A" to this Act is 467 confirmed.
hereby confirmed and declared legal, valid and binding upon
the said Municipal Corporation and the ratepayers thereof
notwithstanding any want of jurisdiction on the part of the
25 said municipality to pass the by-law and notwithstanding any

defect in substance or in form of the said by-law or in the manner of passing the same and the said Corporation of the Town of Prescott is hereby authorized and empowered to issue debentures as provided by the said by-law and the said debentures so issued under the said by-law are hereby declared legal and binding upon the said municipality and the said Corporation are hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said By-Law No. 467. 5

SCHEDULE A.

By-Law No. 467.

To raise the sum of One Hundred Thousand Dollars for the construction of a system of Waterworks and Sewers in the Town of Prescott.

Whereas it is deemed expedient to construct a system of waterworks and sewers, together with the necessary buildings, machinery and plant therefor, for the purpose of supplying water for domestic use, fire protection and other purposes, and to carry away properly the sewerage of the said town ;

And whereas the total estimated cost of the said waterworks and sewers is one hundred thousand dollars, which sum it is necessary to raise for the purposes aforesaid, and in order thereto it will be necessary to issue debentures of the corporation of the town of Prescott as herein provided ;

And whereas it is deemed expedient that the said principal sum of one hundred thousand dollars, so to be borrowed by the said corporation shall bear interest at the rate of four per cent. per annum, payable yearly, and that the said principal sum shall be made payable in forty annual instalments in the forty years next ensuing after the taking effect of this by-law and that such instalments shall be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period ;

And whereas it will be requisite to raise the several sums in each year, respectively set forth in clause numbered two of this by-law for paying the said debt and interest, which said sums amount to the annual sum of five thousand and fifty-two dollars and thirty-five cents, to be raised in each and every year during the term of forty years ;

And whereas the amount of the whole rateable property of the municipality, according to the last revised assessment roll, being in the year 1897, amounts to nine hundred and fifty-two thousand seven hundred and seventy dollars ;

And whereas the existing debenture debt of this municipality amounts to the sum of thirty-three thousand two hundred and forty-two dollars and seventy-six cents, including the sum of five thousand eight hundred and ninety-seven dollars and twenty-six cents of Public School debentures, and no principal or interest is in arrear ;

And whereas it is desirable, subject to the assent of electors and of the Legislature of the Province of Ontario, to construct the said works, and to borrow and expend the said sum of one hundred thousand dollars in the manner and for purposes aforesaid ;

Therefore the municipal council of the corporation of the town of Prescott enacts as follows :—

1. That it shall be lawful for this corporation to construct and maintain

a system of waterworks and sewers, together with all buildings, material, machinery and appurtenances thereto belonging, under and subject to the provisions of *The Municipal Act* and *The Municipal Waterworks Act* and any amendments thereto, and subject to any by-law of this corporation lawfully to be passed relating thereto.

2. That it shall be lawful for the Mayor of the said town of Prescott, for the purposes aforesaid, to borrow the said sum of one hundred thousand dollars, and to issue debentures of the said municipality to the amount of one hundred thousand dollars in sums of not less than one hundred dollars each, which debentures shall bear date on the day on which this by-law takes effect and bear interest at the rate of four per cent. per annum, payable yearly, and shall have coupons attached for the payment of interest, and be payable in the manner, for the amount and at the time following, that is to say :—

Year.	Principal.	Interest.	Total.
1900	\$1052 35	\$4000 00	\$5052 35
1901	1094 44	3957 91	5052 35
1902	1138 22	3914 13	5052 35
1903	1183 75	3868 60	5052 35
1904	1231 10	3821 25	5052 35
1905	1280 35	3772 00	5052 35
1906	1331 56	3720 79	5052 35
1907	1384 82	3667 53	5052 35
1908	1440 21	3612 14	5052 35
1909	1497 82	3554 53	5052 35
1910	1557 73	3494 62	5052 35
1911	1620 04	3432 31	5052 35
1912	1684 84	3367 51	5052 35
1913	1752 24	3300 11	5052 35
1914	1822 33	3230 02	5052 35
1915	1895 22	3157 13	5052 35
1916	1971 03	3081 32	5052 35
1917	2049 87	3002 48	5052 35
1918	2131 86	2920 49	5052 35
1919	2217 14	2835 21	5052 35
1920	2305 82	2746 53	5052 35
1921	2398 06	2654 29	5052 35
1922	2493 98	2558 37	5052 35
1923	2593 74	2458 61	5052 35
1924	2697 49	2354 86	5052 35
1925	2805 39	2246 96	5052 35
1926	2917 61	2134 74	5052 35
1927	3034 31	2018 04	5052 35
1928	3155 68	1896 67	5052 35
1929	3281 91	1770 44	5052 35
1930	3413 19	1639 16	5052 35
1931	3549 71	1502 64	5052 35
1932	3691 70	1360 65	5052 35
1933	3839 37	1212 98	5082 35
1934	3992 95	1059 40	5052 35
1935	4152 66	899 69	5052 35
1936	4318 77	733 58	5052 35
1937	4491 52	560 83	5052 35
1938	4671 18	381 17	5052 35
1939	4858 04	194 31	5052 35

3. The said debentures as to principal and interest shall be payable at the Merchant's Bank of Canada in the said Town of Prescott.

4. It shall be lawful for the Mayor of the said Town of Prescott, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued and to cause the same, and the interest coupons attached thereto, to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

5. There shall be raised and levied in each year by a special rate sufficient therefor, on all the rateable property in the said municipality the sum of five thousand and fifty-two dollars and thirty-five cents, being a sum sufficient to discharge the several instalments of principal and interest accruing due on said debt as the same respectively become payable as hereinbefore set forth.

6. This by-law shall not take effect until it shall have been confirmed by an Act of the Legislature of the Province of Ontario, and shall take effect when such Act shall be passed.

7. The Mayor of this corporation is authorized and required to take the necessary steps to procure this by-law to be confirmed.

8. The votes of the electors of the said municipality shall be taken on this by-law at the following times and places, that is to say, on Thursday, the 18th day of August next, 1898, at the hour of nine o'clock in the morning until five o'clock in the afternoon of the same day. The places for taking the votes of the electors and the names of the deputy returning officers shall be as follows:—

West ward, at the council chamber in the town hall, at which Mr. B. C. Hughes shall be the deputy returning officer.

Centre ward, at White & Boulton's carpenter shop on Centre street, at which Mr. W. G. Scott shall be the deputy returning officer.

East ward, at Mr. Bernard Quinn's house on the north side of King street, at which Mr. W. H. Stephenson shall be the deputy returning officer.

9. On Monday, the fifteenth day of August next, the Mayor shall attend at the council chamber, at the hour of ten o'clock in the forenoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the Clerk, respectively on behalf of the persons interested in and promoting, or opposing the passing of this by-law.

10. That the Clerk of the municipality shall attend at the said council chamber, at ten o'clock in the forenoon of Friday, the nineteenth day of August next, A.D. 1898, and sum up the number of votes given for and against the said by-law, and if the said by-law is carried by the requisite number of votes of the said electors, the same shall be finally considered and passed on the fifth day of September, A.D. 1898, at the hour of half-past seven o'clock in the afternoon, at the council chamber in the said Town of Prescott.

Enacted and passed on this fifth day of September, A.D. 1898.

L.S.

[Sgd.] JOS. STEELE,
Mayor.
[Sgd.] J. B. WHITE,
Clerk.

BILL.

An Act to confirm By-law No. 467 of the
Town of Prescott.

First Reading. , 1899.

Mr. JOYNT.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the Queen's Most Excellent Majesty.

No. 15.]

BILL.

[1899.

An Act to confirm By-Law No. 467 of the Town of Prescott.

WHEREAS the Corporation of the municipality of the Preamble. Town of Prescott has petitioned praying that an Act may be passed to confirm and legalize a by-law of the said corporation passed on the fifth day of September A. D. 1898, entitled By-law No. 467 "To raise the sum of one hundred thousand dollars for the construction of a system of Water-works and Sewers in the Town of Prescott" a copy of which said by-law is contained in the Schedule to this Act; ^{and} and whereas before the final passing thereof the said by-law was duly submitted to a vote of the ratepayers in accordance with the provisions of *The Municipal Act* and was approved by a large majority of the ratepayers voting thereon; ^{and} and whereas the said Corporation has represented that it is necessary and expedient and of advantage to the said municipality that the said by-law No. 467 should be ratified and declared legal valid and binding upon the said municipality; ^{and} and whereas the rocky nature of the majority of the streets of the said town will render the carrying out of the works referred to in the said by-law unusually difficult and expensive; and whereas there appear to be reasonable grounds for extending by 10 years the period to be covered by the debentures to be issued under the said by-law; ^{and} and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

By-law No.
467 confirmed.

1. By-Law No, 467 of the municipal corporation of the Town of Prescott set forth in Schedule "A" to this Act is hereby confirmed and declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof notwithstanding any want of jurisdiction on the part of the said municipality to pass the by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same and the said Corporation of the Town of Prescott is hereby authorized and empowered to issue debentures as provided by the said by-law and the said debentures so issued under the said by-law are hereby declared legal and binding upon the said municipality and the said Corporation are hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said By-Law No. 467.

SCHEDULE A.

BY-LAW No. 467.

To raise the sum of One Hundred Thousand Dollars for the construction of a system of Waterworks and Sewers in the Town of Prescott.

Whereas it is deemed expedient to construct a system of waterworks and sewers, together with the necessary buildings, machinery and plant therefor, for the purpose of supplying water for domestic use, fire protection and other purposes, and to carry away properly the sewerage of the said town ;

And whereas the total estimated cost of the said waterworks and sewers is one hundred thousand dollars, which sum it is necessary to raise for the purposes aforesaid, and in order thereto it will be necessary to issue debentures of the corporation of the town of Prescott as herein provided ;

And whereas it is deemed expedient that the said principal sum of one hundred thousand dollars, so to be borrowed by the said corporation shall bear interest at the rate of four per cent. per annum, payable yearly, and that the said principal sum shall be made payable in forty annual instalments in the forty years next ensuing after the taking effect of this by-law and that such instalments shall be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period ;

And whereas it will be requisite to raise the several sums in each year, respectively set forth in clause numbered two of this by-law for paying the said debt and interest, which said sums amount to the annual sum of five thousand and fifty-two dollars and thirty-five cents, to be raised in each and every year during the term of forty years ;

And whereas the amount of the whole rateable property of the municipality, according to the last revised assessment roll, being in the year 1897, amounts to nine hundred and fifty-two thousand seven hundred and seventy dollars ;

And whereas the existing debenture debt of this municipality amounts to the sum of thirty-three thousand two hundred and forty-two dollars and seventy-six cents, including the sum of five thousand eight hundred and ninety-seven dollars and twenty-six cents of Public School debentures, and no principal or interest is in arrear ;

And whereas it is desirable, subject to the assent of electors and of the

Legislature of the Province of Ontario, to construct the said works, and to borrow and expend the said sum of one hundred thousand dollars in the manner and for purposes aforesaid :

Therefore the municipal council of the corporation of the town of Prescott enacts as follows :—

1. That it shall be lawful for this corporation to construct and maintain a system of waterworks and sewers, together with all buildings, material, machinery and appurtenances thereto belonging, under and subject to the provisions of *The Municipal Act* and *The Municipal Waterworks Act* and any amendments thereto, and subject to any by-law of this corporation lawfully to be passed relating thereto.

2. That it shall be lawful for the Mayor of the said town of Prescott, for the purposes aforesaid, to borrow the said sum of one hundred thousand dollars, and to issue debentures of the said municipality to the amount of one hundred thousand dollars in sums of not less than one hundred dollars each, which debentures shall bear date on the day on which this by-law takes effect and bear interest at the rate of four per cent. per annum, payable yearly, and shall have coupons attached for the payment of interest, and be payable in the manner, for the amount and at the time following, that is to say :—

Year.	Principal.	Interest.	Total.
1900	\$1052 35	\$4000 00	\$5052 35
1901	1094 44	3957 91	5052 35
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1926	2917 61	2134 74	5052 35
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1928	3155 68	1896 67	5052 35
1929	3281 91	1770 44	5052 35
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1931	3549 71	1502 64	5052 35
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1937	4491 52	560 83	5052 35
1938	4671 18	381 17	5052 35
1939	4858 04	194 31	5052 35

3. The said debentures as to principal and interest shall be payable at the Merchant's Bank of Canada in the said Town of Prescott.

4. It shall be lawful for the Mayor of the said Town of Prescott, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued and to cause the same, and the interest coupons attached thereto, to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

5. There shall be raised and levied in each year by a special rate sufficient therefor, on all the rateable property in the said municipality the sum of five thousand and fifty-two dollars and thirty-five cents, being a sum sufficient to discharge the several instalments of principal and interest accruing due on said debt as the same respectively become payable as hereinbefore set forth.

6. This by-law shall not take effect until it shall have been confirmed by an Act of the Legislature of the Province of Ontario, and shall take effect when such Act shall be passed.

7. The Mayor of this corporation is authorized and required to take the necessary steps to procure this by-law to be confirmed.

8. The votes of the electors of the said municipality shall be taken on this by-law at the following times and places, that is to say, on Thursday, the 18th day of August next, 1898, at the hour of nine o'clock in the morning until five o'clock in the afternoon of the same day. The places for taking the votes of the electors and the names of the deputy returning officers shall be as follows:—

West ward, at the council chamber in the town hall, at which Mr. B. C. Hughes shall be the deputy returning officer.

Centre ward, at White & Boulton's carpenter shop on Centre street, at which Mr. W. G. Scott shall be the deputy returning officer.

East ward, at Mr. Bernard Quinn's house on the north side of King street, at which Mr. W. H. Stephenson shall be the deputy returning officer.

9. On Monday, the fifteenth day of August next, the Mayor shall attend at the council chamber, at the hour of ten o'clock in the forenoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the Clerk, respectively on behalf of the persons interested in and promoting, or opposing the passing of this by-law.

10. That the Clerk of the municipality shall attend at the said council chamber, at ten o'clock in the forenoon of Friday, the nineteenth day of August next, A.D. 1898, and sum up the number of votes given for and against the said by-law, and if the said by-law is carried by the requisite number of votes of the said electors, the same shall be finally considered and passed on the fifth day of September, A.D. 1898, at the hour of half-past seven o'clock in the afternoon, at the council chamber in the said Town of Prescott.

Enacted and passed on this fifth day of September, A.D. 1898.

L.S.

[Sgd.] Jos. STEELE,
Mayor.
[Sgd.] J. B. WHITE,
Clerk.

No. 15.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to confirm By-law No. 467 of the
Town of Prescott.

First Reading, 16th February, 1899.

(*Reprinted as amended by Private Bills
Committee.*)

Mr. JOYNT.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 15.]

BILL.

[1899.

An Act to confirm By-Law No. 467 of the Town of Prescott.

WHEREAS the Corporation of the municipality of the Town of Prescott has petitioned praying that an Act may be passed to confirm and legalize a by-law of the said corporation passed on the fifth day of September A. D. 1898, entitled By-law No. 467 "To raise the sum of one hundred thousand dollars for the construction of a system of Waterworks and Sewers in the Town of Prescott" a copy of which said by-law is contained in the Schedule to this Act; ^{Preamble.} and whereas before the final passing thereof the said by-law was duly submitted to a vote of the ratepayers in accordance with the provisions of *The Municipal Act* and was approved by a large majority of the ratepayers voting thereon; and whereas the said Corporation has represented that it is necessary and expedient and of advantage to the said municipality that the said by-law No. 467 should be ratified and declared legal valid and binding upon the said municipality; and whereas the rocky nature of the majority of the streets of the said town will render the carrying out of the works referred to in the said by-law unusually difficult and expensive; and whereas there appear to be reasonable grounds for extending by 10 years the period to be covered by the debentures to be issued under the said by-law; and whereas at the last municipal elections in said town, Commissioners were elected under the authority of a by-law passed in accordance with the provisions of *The Municipal Waterworks Act* on whom will devolve the construction of the waterworks in said town, and

the said corporation have by their said petition prayed that the said Commissioners may be empowered to construct the sewers authorized to be constructed under said by-law No. 467; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law No.
467 confirmed,

1. By-Law No, 467 of the municipal corporation of the Town of Prescott set forth in Schedule "A" to this Act is hereby confirmed and declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof notwithstanding any want of jurisdiction on the part of the said municipality to pass the by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same and the said Corporation of the Town of Prescott is hereby authorized and empowered to issue debentures as provided by the said by-law and the said debentures so issued under the said by-law are hereby declared legal and binding upon the said municipality and the said Corporation are hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said By-Law No. 467.

Water Com-
missioners
authorized to
construct
sewers.

2. That the Water Commissioners elected for said town are hereby authorized and empowered to construct the sewers to be constructed under said by-law No. 467, and for that purpose all the powers, rights, authorities or immunities which might be exercised or enjoyed by the Council and the officers of the Corporation acting for the Corporation shall and may be exercised by the said Commissioners, but nothing herein contained shall be construed to divest the Council of its authority with reference to the providing of moneys required in respect of such works, and the treasurer of the municipality shall upon the written certificate of the Commissioners pay out any moneys so provided.

SCHEDULE A.

BY-LAW No. 467.

To raise the sum of One Hundred Thousand Dollars for the construction of a system of Waterworks and Sewers in the Town of Prescott.

Whereas it is deemed expedient to construct a system of waterworks and sewers, together with the necessary buildings, machinery and plant therefor, for the purpose of supplying water for domestic use, fire protection and other purposes, and to carry away properly the sewerage of the said town;

And whereas the total estimated cost of the said waterworks and sewers is one hundred thousand dollars, which sum it is necessary to raise for the purposes aforesaid, and in order thereto it will be necessary to issue debentures of the corporation of the town of Prescott as herein provided ;

And whereas it is deemed expedient that the said principal sum of one hundred thousand dollars, so to be borrowed by the said corporation shall bear interest at the rate of four per cent. per annum, payable yearly, and that the said principal sum shall be made payable in forty annual instalments in the forty years next ensuing after the taking effect of this by-law and that such instalments shall be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period ;

And whereas it will be requisite to raise the several sums in each year, respectively set forth in clause numbered two of this by-law for paying the said debt and interest, which said sums amount to the annual sum of five thousand and fifty-two dollars and thirty-five cents, to be raised in each and every year during the term of forty years ;

And whereas the amount of the whole rateable property of the municipality, according to the last revised assessment roll, being in the year 1897, amounts to nine hundred and fifty-two thousand seven hundred and seventy dollars ;

And whereas the existing debenture debt of this municipality amounts to the sum of thirty-three thousand two hundred and forty-two dollars and seventy-six cents, including the sum of five thousand eight hundred and ninety-seven dollars and twenty-six cents of Public School debentures, and no principal or interest is in arrear ;

And whereas it is desirable, subject to the assent of electors and of the Legislature of the Province of Ontario, to construct the said works, and to borrow and expend the said sum of one hundred thousand dollars in the manner and for purposes aforesaid ;

Therefore the municipal council of the corporation of the town of Prescott enacts as follows :—

1. That it shall be lawful for this corporation to construct and maintain a system of waterworks and sewers, together with all buildings, material, machinery and appurtenances thereto belonging, under and subject to the provisions of *The Municipal Act* and *The Municipal Waterworks Act* and any amendments thereto, and subject to any by-law of this corporation lawfully to be passed relating thereto.

2. That it shall be lawful for the Mayor of the said town of Prescott, for the purposes aforesaid, to borrow the said sum of one hundred thousand dollars, and to issue debentures of the said municipality to the amount of one hundred thousand dollars in sums of not less than one hundred dollars each, which debentures shall bear date on the day on which this by-law takes effect and bear interest at the rate of four per cent. per annum, payable yearly, and shall have coupons attached for the payment of interest, and be payable in the manner, for the amount and at the time following, that is to say :—

Year.	Principal.	Interest.	Total.
1900	\$1052 35	\$4000 00	\$5052 35
1901	1094 44	3957 91	5052 35
1902	1138 22	3914 13	5052 35
1903	1183 75	3868 60	5052 35
1904	1231 10	3821 25	5052 35
1905	1280 35	3772 00	5052 35
1906	1331 56	3720 79	5052 35
1907	1384 82	3667 53	5052 35
1908	1440 21	3612 14	5052 35
1909	1497 82	3554 53	5052 35

Year.	Principal.	Interest.	Total.
1910.....	\$1557 73	\$3494 62	\$5052 35
1911.....	1620 04	3432 31	5052 35
1912.....	1684 84	3367 51	5052 35
1913.....	1752 24	3300 11	5052 35
1914.....	1822 33	3230 02	5052 35
1915.....	1895 22	3157 13	5052 35
1916.....	1971 03	3081 32	5052 35
1917.....	2049 87	3002 48	5052 35
1918.....	2131 86	2920 49	5052 35
1919.....	2217 14	2835 21	5052 35
1920.....	2305 82	2746 53	5052 35
1921.....	2398 06	2654 29	5052 35
1922.....	2493 98	2558 37	5052 35
1923.....	2593 74	2458 61	5052 35
1924.....	2697 49	2354 86	5052 35
1925.....	2805 39	2246 96	5052 35
1926.....	2917 61	2134 74	5052 35
1927.....	3034 31	2018 04	5052 35
1928.....	3155 68	1896 67	5052 35
1929.....	3281 91	1770 44	5052 35
1930.....	3413 19	1639 16	5052 35
1931.....	3549 71	1502 64	5052 35
1932.....	3691 70	1360 65	5052 35
1933.....	3839 37	1212 98	5082 35
1934.....	3992 95	1059 40	5052 35
1935.....	4152 66	899 69	5052 35
1936.....	4318 77	733 58	5052 35
1937.....	4491 52	560 83	5052 35
1938.....	4671 18	381 17	5052 35
1939.....	4858 04	194 31	5052 35

3. The said debentures as to principal and interest shall be payable at the Merchant's Bank of Canada in the said Town of Prescott.

4. It shall be lawful for the Mayor of the said Town of Prescott, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued and to cause the same, and the interest coupons attached thereto, to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

5. There shall be raised and levied in each year by a special rate sufficient therefor, on all the rateable property in the said municipality the sum of five thousand and fifty-two dollars and thirty-five cents, being a sum sufficient to discharge the several instalments of principal and interest accruing due on said debt as the same respectively become payable as hereinbefore set forth.

6. This by-law shall not take effect until it shall have been confirmed by an Act of the Legislature of the Province of Ontario, and shall take effect when such Act shall be passed.

7. The Mayor of this corporation is authorized and required to take the necessary steps to procure this by-law to be confirmed.

8. The votes of the electors of the said municipality shall be taken on this by-law at the following times and places, that is to say, on Thursday, the 18th day of August next, 1898, at the hour of nine o'clock in the morning until five o'clock in the afternoon of the same day. The places for taking the votes of the electors and the names of the deputy returning officers shall be as follows :—

West ward, at the council chamber in the town hall, at which Mr. B. C. Hughes shall be the deputy returning officer.

Centre ward, at White & Boulton's carpenter shop on Centre street, at which Mr. W. G. Scott shall be the deputy returning officer.

East ward, at Mr. Bernard Quinn's house on the north side of King street, at which Mr. W. H. Stephenson shall be the deputy returning officer.

9. On Monday, the fifteenth day of August next, the Mayor shall attend at the council chamber, at the hour of ten o'clock in the forenoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the Clerk, respectively on behalf of the persons interested in and promoting, or opposing the passing of this by-law.

10. That the Clerk of the municipality shall attend at the said council chamber, at ten o'clock in the forenoon of Friday, the nineteenth day of August next, A.D. 1898, and sum up the number of votes given for and against the said by-law, and if the said by-law is carried by the requisite number of votes of the said electors, the same shall be finally considered and passed on the fifth day of September, A.D. 1898, at the hour of half-past seven o'clock in the afternoon, at the council chamber in the said Town of Prescott.

Enacted and passed on this fifth day of September, A.D. 1898.

L.S.

[Sgd.] Jos. STEELE,
Mayor.
[Sgd.] J. B. WHITE,
Clerk.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to confirm By-law No. 467 of the
Town of Prescott.

First	Reading, 16th February, 1899.
Second	" 27th " 1899.

*(Reprinted as amended in Committee of
the Whole).*

Mr. JOYNT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to confirm By-Law No. 234 of the Town of
Newmarket.

WHEREAS the municipal corporation of the Town of New- Preamble.
market have by their petition represented that the
Office Specialty Company, Limited, has its manufacturing
establishment in the Town of Newmarket, employing therein
5 a large number of hands, and that the said company finds that
the buildings owned by them in the said town are too small
to enable them to carry on its business to the fullest advan-
tage; and that the corporation desires that the said manufac-
turing business shall be extended, promoted and encouraged
10 and that the said company shall build such additional build-
ings as shall be necessary within the said town, and as an
inducement to the said company so to build has offered the
said company that provided the same can be legalized the
corporation will grant the company a bonus of \$5,000.00 to be
15 expended in the erection and construction of said buildings,
provided the company shall on its part agree to fully equip
the same with the necessary machinery; and the said com-
pany has agreed in case the said arrangement can be carried
out to convey to the corporation about thirteen acres of land
20 in the Town of Newmarket commonly known as Marsden Mill
Flats, and suitable for the purpose of a town park, and that
the terms of an agreement to such effect have been arrived at
between the corporation and the company; and further that
the said corporation has passed a by-law, No. 234, entitled
25 "By-law to raise the sum of \$5,000.00 to be expended in and

towards erecting additional buildings in the Town of Newmarket for the Office Specialty Company, Limited, and for buying from the said company for the use of the town the property commonly known as Marsden Mill Flats"; and that the said by-law was on the 29th day of August, 1898, 5 carried by a majority of 98 votes out of a total vote cast of 226, such total vote being amongst the largest ever cast on a money by-law in the said town; and whereas the said corporation by said petition has further represented that it is desirable and in the interests of the Town of Newmarket that the said 10 manufacturing industry shall be encouraged and promoted by the erection of said buildings for the purpose of giving employment to many persons residing in said town; and that in order to borrow money according to the provisions of such by-law it is necessary that such should be validated and confirmed by 15 an Act of this Legislature; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:— 20

By-law No. 234 confirmed. 1. The said by-law of the corporation of the Town of Newmarket No. 234, entitled as set forth in the preamble to this Act, is confirmed and declared to be valid and binding from the time of the passing thereof, to all intents and purposes, and the said corporation is declared to be authorized by the said 25 by-law No. 234 to raise by way of loan the sum of \$5,000, by the issue of debentures for that sum as in said by-law No. 234 set forth, and to levy an annual rate on all the rateable property within the said town sufficient for the payment of the said debentures and the interest thereon as in the said by-law set 30 forth; provided that the said The Office Specialty Company, Limited, shall on their part execute and carry out their part of the agreement referred to in the preamble to this Act.

SCHEDULE.

BY-LAW No. 234.

To raise the sum of \$5,000.00 to be expended in and towards erecting additional buildings in the Town of Newmarket for The Office Specialty Company, Limited, and for buying from the said company for the use of the town the property commonly known as the Marsden Mill Flats in the said town.

Whereas at a meeting of the ratepayers of the town of Newmarket, called to discuss the purpose, it was deemed advisable to advance the sum of \$5,000.00 for the above purposes, and a resolution was passed requesting the council of the said town to pass a by-law for borrowing the sum of \$5,000 upon the credit of the municipality for said purposes.

And whereas the municipal council of the town of Newmarket has considered it advisable to comply with said request.

And whereas to raise the said sum the said council deems it advisable to extend payment for the same over a period of twenty years, by the issue of debentures, bearing interest at four per centum per annum, extending over a period of twenty years as aforesaid, repayable by annual instalments of both principal and interest; such instalments to be so arranged that the aggregate amount of principal and interest payable in any one year shall be equal to what is payable for principal and interest in each of the other years during the said term;

And whereas the total amount to be raised annually, by special rate sufficient therefor, on all the rateable property of the municipality for paying the said debt and interest, will be the sum of \$367 90/100ths each year during the said period of twenty years;

And whereas the amount of the whole rateable property (liable to taxation for such purposes) of the municipality, according to the last revised assessment roll, being for the year 1898, is the sum of \$506,190.00;

And whereas the whole debenture debt of the municipality amounts to \$57,195 62/100ths, of which no portion of principal or interest is in arrear;

Be it therefore enacted by the municipal council of the corporation of the town of Newmarket as follows:

1. That the mayor is hereby authorized, and required, to issue debentures of the said corporation to the amount of five thousand dollars, which shall be marked and known as "The Office Specialty Co's Debentures," and shall be in sums of not less than one hundred dollars each, and shall be sealed with the corporate seal of the said corporation, and signed by the mayor and treasurer thereof, and shall be payable within twenty years from the date hereinafter mentioned for this by-law to come into effect, at the office of the treasurer of the town of Newmarket, with interest at four per centum per annum, as follows, that is to say: The said principal sum in twenty annual instalments, and the interest at the rate aforesaid annually during said term, the aggregate amount of such instalments of principal and annual payment of interest, shall be the sum of \$367 90/100ths in each year.

2. For the purpose of paying the said sum of \$5,000 and to cover interest on the said amount as aforesaid, the sum of \$367 90/100ths shall be levied by a special rate, over and above all other rates, in the same manner and at the same time as other taxes are levied, upon the whole rateable property of the said town liable to be rated therefor, in each year for the period of twenty years from the date hereinafter mentioned for this by-law to take effect, during which the said debentures have to run.

3. This by-law shall come into force and take effect on the first day of December, A.D. 1898, if previously assented to by the electors of this corporation legally qualified to vote thereon.

4. This by-law shall be submitted for the assent of the electors of the said town under the provisions of "*The Municipal Act*," and on Monday, the twenty-ninth day of August, A. D. 1898, at the hour of nine o'clock in the forenoon, the poll will be open to take the votes of the qualified electors of the said municipality on said by-law, and the poll will close at five o'clock in the afternoon on same day.

5. The places for taking said votes, and the deputy-returning officers of the several wards of the said town, respectively, shall be as follows : For St. George's ward—M. W. Bogart, deputy-returning officer : polling place, John Mitchell's house ; for St. Andrew's ward—John Savago, deputy-returning officer : polling place, the market building ; for St. Patrick's ward—A. J. McCracken, deputy-returning officer : Polling place, the council chamber.

6. That on Monday, the fifteenth day of August, A.D. 1898, at the hour of eight o'clock in the afternoon, at the council chamber of the said town, the mayor shall appoint in writing the persons to attend at the polling places, and at the final summing of the votes, on behalf of the persons interested in, and promoting or opposing, respectively, the passing of this by-law.

7. That the clerk of the said municipality shall attend at the council chamber in the said town, at twelve o'clock, noon, on Wednesday, the 31st day of August, 1898, to sum up the votes given for and against this by-law.

Passed this 19th day of September, 1898.

(Sgd.) H. S. CANE,
Mayor.

(Sgd.) DAVID LLOYD,
Clerk.

No. 16.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to confirm By-Law No. 234 of the
Town of Newmarket.

First Reading,	1899.
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(Private Bill.)

Mr. RICHARDSON.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 16.]

BILL.

[1899.]

An Act to confirm By-Law No. 234 of the Town of Newmarket.

WHEREAS the municipal corporation of the Town of New- Preamble.
market has by petition represented that the Office
Specialty Company, Limited, has its manufacturing establish-
ment in the Town of Newmarket, employing therein a
large number of hands, and that the said company finds that
the buildings owned by *it* in the said town are too small
to enable *the said Company* to carry on its business to the
fullest advantage, and ~~that~~ it is proposed ~~that~~ that the said manu-
facturing business shall be extended, and that the said com-
pany shall build such additional buildings as shall be neces-
sary within the said town; ~~and~~ and the said company being
the owner of about thirteen acres of land in the town of New-
market known as the Marsden Hill Flats, which it does not
require for the purposes of its business is willing to sell the
same to the town of Newmarket for the consideration of
\$5,000, which sum the town is willing to pay to the company
for the said land providing the company will agree to expend
the said purchase money therefor in the erection of such
additional buildings as above mentioned; and whereas the said
thirteen acres of land would be suitable for the purposes of a
town park; and whereas the company is willing to agree to
expend such purchase money in the construction of such
buildings as aforesaid and has already, as earnest of its good
faith, expended a considerable sum of money in erecting a
portion of such buildings, and the terms of an agreement to

foregoing effect have been arrived at between the corporation and the company ~~and~~ and further that the said corporation has passed a by-law, No. 234, set forth in Schedule "A" hereto ~~and~~ and that the said by-law was on the 29th day of August, 1898, carried by a majority of 98 votes out of a total vote cast of 226, such total vote being amongst the largest ever cast on a money by-law in the said town; and whereas the said corporation by said petition has further represented that it is desirable and in the interests of the Town of Newmarket that the said ~~thirteen~~ thirteen acres of land shall be acquired by the corporation and that the said \$5,000, the purchase money thereof, shall by the company be expended in erecting such additional buildings within the said town of Newmarket, and that in order to carry out such agreement and raise the said sum of \$5,000 wherewith to complete the purchase of said thirteen acres it is necessary that power shall be granted to the corporation by an Act of this Legislature to raise funds on the security of debentures to be issued under the provisions of such by-law and that the said by-law shall be validated and confirmed by an Act of this Legislature; and whereas it is expedient to grant the prayer of the said petition. ~~and~~

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to
purchase land
for park
purposes.

~~1.~~ 1. It shall be lawful for the corporation of the town of Newmarket to purchase and acquire from the Office Specialty Company Limited, the said thirteen acres of land referred to in the said petition and to pay the said company therefor the sum of \$5,000, to be by the said company expended in the erection within the town of Newmarket of additional buildings for the extension of their manufacturing business. ~~and~~

By-law No.
confirmed.

2. The said by-law of the corporation of the Town of Newmarket No. 234, entitled as set forth in the preamble to this Act, is confirmed and declared to be valid and binding from the time of the passing thereof, to all intents and purposes, and the said corporation is declared to be authorized by the said by-law No. 234 to raise by way of loan the sum of \$5,000, by the issue of debentures for that sum as in said by-law No. 234 set forth, and to levy an annual rate on all the rateable property within the said town sufficient for the payment of the said debentures and the interest thereon as in the said by-law set forth; provided that the said The Office Specialty Company, Limited, shall on their part execute and carry out their part of the agreement referred to in the preamble to this Act.

SCHEDULE "A."

BY-LAW No. 234.

To raise the sum of \$5,000.00 to be expended in and towards erecting additional buildings in the Town of Newmarket for The Office Specialty Company, Limited, and for buying from the said company for the use of the town the property commonly known as the Marsden Mill Flats in the said town.

Whereas at a meeting of the ratepayers of the town of Newmarket, called to discuss the purpose, it was deemed advisable to advance the sum of \$5,000.00 for the above purposes, and a resolution was passed requesting the council of the said town to pass a by-law for borrowing the sum of \$5,000 upon the credit of the municipality for said purposes.

And whereas the municipal council of the town of Newmarket has considered it advisable to comply with said request.

And whereas to raise the said sum the said council deems it advisable to extend payment for the same over a period of twenty years, by the issue of debentures, bearing interest at four per centum per annum, extending over a period of twenty years as aforesaid, repayable by annual instalments of both principal and interest; such instalments to be so arranged that the aggregate amount of principal and interest payable in any one year shall be equal to what is payable for principal and interest in each of the other years during the said term;

And whereas the total amount to be raised annually, by special rate sufficient therefor, on all the rateable property of the municipality for paying the said debt and interest, will be the sum of \$367 90/100ths each year during the said period of twenty years;

And whereas the amount of the whole rateable property (liable to taxation for such purposes) of the municipality, according to the last revised assessment roll, being for the year 1898, is the sum of \$506,190.00;

And whereas the whole debenture debt of the municipality amounts to \$57,195 62/100ths, of which no portion of principal or interest is in arrear;

Be it therefore enacted by the municipal council of the corporation of the town of Newmarket as follows:

1. That the mayor is hereby authorized, and required, to issue debentures of the said corporation to the amount of five thousand dollars, which shall be marked and known as "The Office Specialty Co's Debentures," and shall be in sums of not less than one hundred dollars each, and shall be sealed with the corporate seal of the said corporation, and signed by the mayor and treasurer thereof, and shall be payable within twenty years from the date hereinafter mentioned for this by-law to come into effect, at the office of the treasurer of the town of Newmarket, with interest at four per centum per annum, as follows, that is to say: The said principal sum in twenty annual instalments, and the interest at the rate aforesaid annually during said term, the aggregate amount of such instalments of principal and annual payment of interest, shall be the sum of \$367 90/100ths in each year.

2. For the purpose of paying the said sum of \$5,000 and to cover interest on the said amount as aforesaid, the sum of \$367 90/100ths shall be levied by a special rate, over and above all other rates, in the same manner and at the same time as other taxes are levied, upon the whole rateable property of the said town liable to be rated therefor, in each year for the period of twenty years from the date hereinafter mentioned for this by-law to take effect, during which the said debentures have to run.

3. This by-law shall come into force and take effect on the first day of December, A.D. 1898, if previously assented to by the electors of this corporation legally qualified to vote thereon.

4. This by-law shall be submitted for the assent of the electors of the said town under the provisions of "*The Municipal Act*," and on Monday, the twenty-ninth day of August, A. D. 1898, at the hour of nine o'clock in the forenoon, the poll will be open to take the votes of the qualified electors of the said municipality on said by-law, and the poll will close at five o'clock in the afternoon on same day.

5. The places for taking said votes, and the deputy-returning officers of the several wards of the said town, respectively, shall be as follows : For St. George's ward—M. W. Bogart, deputy-returning officer : polling place, John Mitchell's house ; for St. Andrew's ward—John Savage, deputy-returning officer : polling place, the market building ; for St. Patrick's ward—A. J. McCracken, deputy-returning officer : Polling place, the council chamber.

6. That on Monday, the fifteenth day of August, A.D 1898, at the hour of eight o'clock in the afternoon, at the council chamber of the said town, the mayor shall appoint in writing the persons to attend at the polling places, and at the final summing of the votes, on behalf of the persons interested in, and promoting or opposing, respectively, the passing of this by-law.

7. That the clerk of the said municipality shall attend at the council chamber in the said town, at twelve o'clock, noon, on Wednesday, the 31st day of August, 1898, to sum up the votes given for and against this by-law.

Passed this 19th day of September, 1898.

(Sgd.) H. S. CANE,
Mayor.

(Sgd.) DAVID LLOYD,
Clerk.

No. 16.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to confirm By-Law No. 234 of the
Town of Newmarket.

First Reading, 15th February, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

MR. RICHARDSON.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 16.]

BILL.

[1899.

An Act to confirm By-Law No. 234 of the Town of
Newmarket.

WHEREAS the municipal corporation of the Town of New- ^{Preamble.}
market has by petition represented that the Office
Specialty Company, Limited, has its manufacturing establish-
ment in the Town of Newmarket, employing therein a
large number of hands, and that the said company finds that
the buildings owned by *it* in the said town are too small
to enable *the said Company* to carry on its business to the
fullest advantage, and ~~it~~ it is proposed ~~that~~ that the said manu-
facturing business shall be extended, and that the said com-
pany shall build such additional buildings as shall be neces-
sary within the said town ; ~~and~~ and whereas it is further
represented that the said company being the owner of
about thirteen acres of land in the town of Newmarket
known as the Marsden Hill Flats, which it does not re-
quire for the purposes of its business is willing to sell the
same to the town of Newmarket for the consideration of
\$5,000, which sum the town is willing to pay to the company
for the said land providing the company will agree to expend
the said purchase money therefor in the erection of such
additional buildings as above mentioned ; and whereas it is
represented that the said thirteen acres of land would be
suitable for the purposes of a town park ; and whereas it has
been shown that the said company is willing to agree to
expend such purchase money in the construction of such
buildings as aforesaid and has already, as earnest of its good
faith, expended a considerable sum of money in erecting a

portion of such buildings, and the terms of an agreement to the foregoing effect have been arrived at between the corporation and the company, and further that the said corporation has passed a by-law, No. 234, set forth in Schedule "A" hereto, and that the said by-law was on the 29th day of August, 1898, carried by a majority of 98 votes out of a total vote cast of 226, such total vote being amongst the largest ever cast on a money by-law in the said town; and whereas the said corporation by said petition has further represented that it is desirable and in the interests of the Town of Newmarket that the said thirteen acres of land shall be acquired by the said corporation and that the said \$5,000, the purchase money thereof, shall by the company be expended in erecting such additional buildings within the said town of Newmarket, and that in order to carry out such agreement and raise the said sum of \$5,000 wherewith to complete the purchase of said thirteen acres it is necessary that power shall be granted to the corporation by an Act of this Legislature to raise funds on the security of debentures to be issued under the provisions of such by-law and that the said by-law shall be validated and confirmed by an Act of this Legislature; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to
purchase land
for park
purposes.

1. It shall be lawful for the corporation of the town of Newmarket to purchase and acquire from the Office Specialty Company Limited, the said thirteen acres of land referred to in the preamble hereof and to pay the said company therefor the sum of \$5,000, to be by the said company expended in the erection within the town of Newmarket of additional buildings for the extension of their manufacturing business.

By-law No.
4 confirmed.

2. The said by-law of the corporation of the Town of Newmarket No. 234, entitled as set forth in the preamble to this Act, is confirmed and declared to be valid and binding from the time of the passing thereof, to all intents and purposes, and the said corporation is declared to be authorized by the said by-law No. 234 to raise by way of loan the sum of \$5,000, by the issue of debentures for that sum as in said by-law No. 234 set forth, and to levy an annual rate on all the rateable property within the said town sufficient for the payment of the said debentures and the interest thereon as in the said by-law set forth; provided that the said The Office Specialty Company, Limited, shall on their part execute and carry out their part of the agreement referred to in the preamble to this Act.

SCHEDULE "A."

By-Law No. 234.

To raise the sum of \$5,000.00 to be expended in and towards erecting additional buildings in the Town of Newmarket for The Office Specialty Company, Limited, and for buying from the said company for the use of the town the property commonly known as the Marsden Mill Flats in the said town.

Whereas at a meeting of the ratepayers of the town of Newmarket, called to discuss the purpose, it was deemed advisable to advance the sum of \$5,000.00 for the above purposes, and a resolution was passed requesting the council of the said town to pass a by-law for borrowing the sum of \$5,000 upon the credit of the municipality for said purposes.

And whereas the municipal council of the town of Newmarket has considered it advisable to comply with said request.

And whereas to raise the said sum the said council deems it advisable to extend payment for the same over a period of twenty years, by the issue of debentures, bearing interest at four per centum per annum, extending over a period of twenty years as aforesaid, repayable by annual instalments of both principal and interest; such instalments to be so arranged that the aggregate amount of principal and interest payable in any one year shall be equal to what is payable for principal and interest in each of the other years during the said term;

And whereas the total amount to be raised annually, by special rate sufficient therefor, on all the rateable property of the municipality for paying the said debt and interest, will be the sum of \$367 90/100ths each year during the said period of twenty years;

And whereas the amount of the whole rateable property (liable to taxation for such purposes) of the municipality, according to the last revised assessment roll, being for the year 1898, is the sum of \$506,190.00;

And whereas the whole debenture debt of the municipality amounts to \$57,195 62/100ths, of which no portion of principal or interest is in arrear;

Be it therefore enacted by the municipal council of the corporation of the town of Newmarket as follows:

1. That the mayor is hereby authorized, and required, to issue debentures of the said corporation to the amount of five thousand dollars, which shall be marked and known as "The Office Specialty Co's Debentures," and shall be in sums of not less than one hundred dollars each, and shall be sealed with the corporate seal of the said corporation, and signed by the mayor and treasurer thereof, and shall be payable within twenty years from the date hereinafter mentioned for this by-law to come into effect, at the office of the treasurer of the town of Newmarket, with interest at four per centum per annum, as follows, that is to say: The said principal sum in twenty annual instalments, and the interest at the rate aforesaid annually during said term, the aggregate amount of such instalments of principal and annual payment of interest, shall be the sum of \$367 90/100ths in each year.

2. For the purpose of paying the said sum of \$5,000 and to cover interest on the said amount as aforesaid, the sum of \$367 90/100ths shall be levied by a special rate, over and above all other rates, in the same manner and at the same time as other taxes are levied, upon the whole rateable property of the said town liable to be rated therefor, in each year for the period of twenty years from the date hereinafter mentioned for this by-law to take effect, during which the said debentures have to run.

3. This by-law shall come into force and take effect on the first day of December, A.D. 1898, if previously assented to by the electors of this corporation legally qualified to vote thereon.

4. This by-law shall be submitted for the assent of the electors of the said town under the provisions of "*The Municipal Act*," and on Monday, the twenty-ninth day of August, A. D. 1898, at the hour of nine o'clock in the forenoon, the poll will be open to take the votes of the qualified electors of the said municipality on said by-law, and the poll will close at five o'clock in the afternoon on same day.

5. The places for taking said votes, and the deputy-returning officers of the several wards of the said town, respectively, shall be as follows : For St. George's ward—M. W. Bogart, deputy-returning officer : polling place, John Mitchell's house ; for St. Andrew's ward—John Savage, deputy-returning officer : polling place, the market building ; for St. Patrick's ward—A. J. McCracken, deputy-returning officer : Polling place, the council chamber.

6. That on Monday, the fifteenth day of August, A.D. 1898, at the hour of eight o'clock in the afternoon, at the council chamber of the said town, the mayor shall appoint in writing the persons to attend at the polling places, and at the final summing of the votes, on behalf of the persons interested in, and promoting or opposing, respectively, the passing of this by-law.

7. That the clerk of the said municipality shall attend at the council chamber in the said town, at twelve o'clock, noon, on Wednesday, the 31st day of August, 1898, to sum up the votes given for and against this by-law.

Passed this 19th day of September, 1898.

(Sgd.)	H. S. CANE, Mayor.
(Sgd.)	DAVID LLOYD, Clerk.

No. 16.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to confirm By-Law No. 234 of the
Town of Newmarket.

First Reading, 15th February, 1899.
Second Reading, 17th March, 1899.

*(Reprinted as amended by Committee of
the Whole House.)*

Mr. RICHARDSON.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act respecting the Debt of the Village of
Madoc.

WHEREAS the Municipal Corporation of the Village of **Preamble.**
Madoc, in the County of Hastings, have by their petition represented that before the incorporation of said village it formed part of the Township of Madoc, and that upon incorporation the proportion of the debt of the Township of Madoc for which the said village became liable amounted to \$5,723.25, which amount the said Corporation of the Township of Madoc has demanded payment of forthwith from the said Village of Madoc, and no provision has been made for the payment thereof, and whereas the Corporation of the Village of Madoc has incurred a further liability of \$7,500 for the erection of a public school house in the said village, and under By-Law No. 7, dated 19th July, 1879, debentures were issued by the said Village of Madoc to the amount of \$7,500, which debentures will shortly mature, and no provision has been made for the payment of the same except a sinking fund which amounts to \$2,000 ; and whereas the Municipal Corporation of the Village of Madoc has incurred a further liability of \$3,000 for the purpose of purchasing a steam fire engine, which amount has been borrowed from a private source for the purpose ; and whereas before incurring such last mentioned liability a by-law was duly submitted to the ratepayers of the said village providing for incurring a liability for the said sum of \$3,000 for the said purpose, and the said by-law was carried by a considerable majority of the ratepayers voting thereon,

the vote being 118 for the by-law and thirty against the by-law ; and whereas by inadvertence a mistake was made in the schedule of said by-law by which more was to be paid under said by-law than would pay the said debt of \$3,000 ; and whereas it has been made to appear that the levying of a rate 5 for the immediate payment of the said debt would be unduly oppressive to the ratepayers ; and whereas the said corporation have by their petition prayed that they may be authorized to issue debentures for the sum of \$14,000 to meet and pay off the said indebtedness ; and whereas it is expedient to grant 10 the prayer of the said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Debentures
for \$14,000
authorized.

1. It shall be lawful for the Corporation of the Village of 15 Madoc to pass a by-law providing for the issue of debentures under its corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums of not less than \$100 and not exceeding \$14,000 in the whole, as the said corporation may from time to time direct, and the principal 20 sum secured by the said debentures, and the interest accruing thereon, may be made payable at such place or places in this Province as the said corporation may deem expedient.

Power to raise
money on
debentures.

2. The corporation of the said village may, for the purposes 25 herein mentioned, raise money by way of loan on said debentures, or sell and dispose of the said debentures from time to time as it may deem expedient.

Term of
debentures.

Payment of
interest.

3. The said debentures shall be payable in not more than 30 twenty years from the issue thereof, as the said corporation may direct. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of January in each and every year at the place mentioned therein and in the coupons attached thereto, and the said debentures may bear interest at any rate not exceeding four per cent. per annum. 35

Application of
proceeds of
debentures.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the payment of the said debt of \$5,723.25, for the debt incurred in the erection of the said school house, and for the debt incurred for the purchase of a steam fire engine, and in no other manner and for 40 no other purpose whatsoever, and the said debentures may be known as the " Village of Madoc Consolidated Debt Debentures."

By-law not to
be repealed
until debt
paid.

5. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such 45 by-law and the interest thereon shall be paid and satisfied.

6. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the first day of January, 1899, so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Annual payments on principal and interest.

7. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Village of Madoc Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Special rate.

8. It shall be the duty of the treasurer of the said village from time to time, to keep, and it shall be the duty of each of the members of the said Municipal Council from time to time to procure such treasurer to keep, and to see that he does keep, a proper book of account, setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectfully become due and payable and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts and the said book of account and statement shall at all times and at all reasonable hours, be open to the inspection of any rate-payer of the said village or of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred.

Treasurer to keep proper books of account.

9. It shall not be necessary to obtain the assent of the electors of the said Village of Madoc to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relative thereto prescribed by *The Municipal Act*, or any Act amending the same.

Assent of electors to by-laws not required.

Rev. Stat: 223.

10. The debentures to be issued under this Act may be in the form of Schedule A hereto, and the by-law or by-laws authorizing the same may be in the form of Schedule B to this Act.

Form of debentures and by-laws.

Inconsistent
enactments
not to apply.

11. Any provisions of the Acts respecting municipal institutions which are, or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law to be passed by the corporation under the provisions of this Act, and no irregularity in form either of the debentures 5 to be issued under this Act, or of the by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence in any action which may be brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them or 10 any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to application of the proceeds thereof.

Short Title.

12. This Act may be cited as *The Village of Mudoc Debenture Act, 1899.* 15

SCHEDULE A.

(Section 10.)

PROVINCE OF ONTARIO, VILLAGE OF MADOC.

Village of Madoc, Consolidated Debt Debenture \$
 No. . Under and by virtue of the Village of Madoc
 Debenture Act, 1899 and by virtue of By-Law No. of the
 Corporation of the Village of Madoc passed under the provisions con-
 tained in the said Act the Corporation of the Village of Madoc in the
 County of Hastings, promise to pay to the bearer at in the
 City of the sum of \$ on the day of
 A. D. and to pay the bearer the yearly
 coupons for interest thereon hereto attached as the same shall severally
 become due

Dated at the Village of Madoc this day of
 A. D. 1899.

Reeve,
 Treasurer.

SCHEDULE B.

(Section 10.)

By-Law No. of the Village of Madoc to authorize the
 issue of debentures for the purposes therein mentioned and to be known
 as the Village of Madoc Consolidated Debt Debentures, not exceeding the
 sum of \$14,000 in the whole as the Corporation of the Village of Madoc,
 may in pursuance of and in conformity with the provisions of the Village
 of Madoc Debenture Act 1899 direct.

Whereas for the purposes mentioned in the said Act it is necessary and
 expedient to issue debentures to the extent of \$14,000 payable on the
 first day of January in each year hereafter for a period of twenty years,
 with interest thereon at the rate of four per centum per annum, payable
 yearly according to the coupons to the said debentures attached so that
 the aggregate amount to be levied and payable for principal and interest
 in any one year, shall be equal as nearly as may be to what is payable for
 principal and interest during each of the other years of the period within
 which the debt is to be discharged.

And whereas the amount of the whole rateable property of the Village
 of Madoc, according to the last revised assessment roll being for the
 year 1898 was \$308,792.

1. Debentures under the said Act and for the purposes therein men-
 tioned, to be known as the Village of Madoc Consolidated Debt Debentures
 to the extent of \$14,000, are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the pay-
 ment of the interest at the rate of four per cent. per annum, payable
 yearly on the first day of the month of January in each year.

3. This By-Law shall come into effect forthwith after the passing
 hereof.

Passed in open Council this day of
 A. D. 1899.

Reeve,
 Clerk.

No. 17.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act respecting the Debt of the Village
of Madoc.

First Reading,	1899.
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(Private Bill.)

MR. ALLEN.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 17.]

BILL.

[1899.

An Act respecting the Debt of the Village of Madoc.

WHEREAS the Municipal Corporation of the Village of Preamble. Madoc, in the County of Hastings, have by their petition represented that before the incorporation of said village it formed part of the Township of Madoc, and that upon incorporation the proportion of the debt of the Township of Madoc for which the said village became liable amounted to \$5,723.25, *payment of* which amount the said Corporation of the Township of Madoc has demanded forthwith from the said Village of Madoc, and no provision has been made for the payment thereof; and whereas *it appears that* the Corporation of the Village of Madoc has incurred a further liability of \$7,500 for the erection of a public school house in the said village, and under By-Law No. 7, dated 19th July, 1879, debentures were issued by the said Village of Madoc to the amount of \$7,500 which debentures *have already* matured, and *that* no provision has been made for the payment of the same except a sinking fund which amounts to \$1,748.70; and whereas ~~as~~ it further appears that ~~the~~ *the said* Corporation of the Village of Madoc has incurred a further liability of \$3,000 for the purpose of purchasing a steam fire engine, which amount has been borrowed from a private source and *that* before incurring such last mentioned liability a by-law was duly submitted to the ratepayers of the said village providing for incurring a liability for the said sum of \$3,000 for the said purpose, and *that* the said by-law was carried by a considerable

majority of the ratepayers voting thereon, the vote being 118 for the by-law and thirty against the by-law; and whereas ~~it~~ it further appears that ~~by~~ by inadvertence a mistake was made in the schedule of said by-law by which more was to be *raised* under said by-law than would pay the said debt of \$3,000; and whereas it has been made to appear that the levying of a rate for the immediate payment of the said debt would be unduly oppressive to the ratepayers; and whereas the said corporation have by their petition prayed that they may be authorized to issue debentures for the sum of \$14,000 to meet and pay off the said indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debentures
for \$14,000
authorized.

1. It shall be lawful for the Corporation of the Village of Madoc to pass a by-law providing for the issue of debentures under its corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums of not less than \$100 and not exceeding \$14,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable at such place or places in this Province as the said corporation may deem expedient.

Power to raise
money on
debentures.

2. The corporation of the said village may, for the purposes herein mentioned, raise money by way of loan on said debentures, or sell and dispose of the said debentures from time to time as it may deem expedient.

Term of
debentures.

3. The said debentures shall be payable in not more than twenty years from the ~~the~~ first day of January, 1899 ~~as~~ as the said corporation may direct. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of January in each and every year at the place mentioned therein and in the coupons attached thereto, and the said debentures may bear interest at any rate not exceeding four per cent. per annum.

Payment of
interest.

Application of
proceeds of
debentures.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the payment of the said debt ~~to~~ to the corporation of the Township of Madoc ~~of~~ of \$5,723.25, the debt incurred in the erection of the said school house, and the debt incurred for the purchase of a steam fire engine, and in no other manner and for no other purpose whatsoever, and the said debentures may be known as the "Village of Madoc Consolidated Debt Debentures."

5. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-law not to be repealed until debt paid.

6. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the first day of January, 1899, so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged. Annual payments on principal and interest

7. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Village of Madoc Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them. Special rate.

8. It shall be the duty of the treasurer of the said village from time to time, to keep, and it shall be the duty of each of the members of the said Municipal Council from time to time to procure such treasurer to keep, and to see that he does keep, a proper book of account, setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectfully become due and payable and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts and the said book of account and statement shall at all times and at all reasonable hours, be open to the inspection of any rate-payer of the said village or of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred. Treasurer to keep proper books of account.

9. It shall not be necessary to obtain the assent of the electors of the said Village of Madoc to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relative thereto prescribed by *The Municipal Act*, or any Act amending the same. Assent of electors to by-laws not required. Rev. Stat: 223.

10. The debentures to be issued under this Act may be in the form of Schedule A hereto, and the by-law or by-laws authorizing the same may be in the form of Schedule B to this Act. Form of debentures and by-laws.

Inconsistent
enactments
not to apply.

11. Any provisions of the Acts respecting municipal institutions which are, or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law to be passed by the corporation under the provisions of this Act, and no irregularity in form either of the debentures to be issued under this Act, or of the by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence in any action which may be brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to application of the proceeds thereof.

Short Title.

12. This Act may be cited as *The Village of Madoc Debenture Act, 1899*.

SCHEDULE A.

(Section 10.)

PROVINCE OF ONTARIO, VILLAGE OF MADOC.

Village of Madoc, Consolidated Debt Debenture \$
 No. . Under and by virtue of the Village of Madoc
 Debenture Act, 1899 and by virtue of By-Law No. of the
 Corporation of the Village of Madoc passed under the provisions con-
 tained in the said Act the Corporation of the Village of Madoc in the
 County of Hastings, promise to pay to the bearer at in the
 City of the sum of \$ on the day of
 A. D. and to pay the bearer the yearly
 coupons for interest thereon hereto attached as the same shall severally
 become due

Dated at the Village of Madoc this day of
 A. D. 1899.

Reeve,
 Treasurer.

SCHEDULE B.

(Section 10.)

By-Law No. of the Village of Madoc to authorize the
 issue of debentures for the purposes therein mentioned and to be known
 as the Village of Madoc Consolidated Debt Debentures, not exceeding the
 sum of \$14,000 in the whole as the Corporation of the Village of Madoc,
 may in pursuance of and in conformity with the provisions of the Village
 of Madoc Debenture Act 1899 direct.

Whereas for the purposes mentioned in the said Act it is necessary and
 expedient to issue debentures to the extent of \$14,000 payable on the
 first day of January in each year for a period of twenty years, *from the*
first day of January, 1899, with interest thereon at the rate of four per
 centum per annum, payable yearly according to the coupons to the said
 debentures attached so that the aggregate amount to be levied and pay-
 able for principal and interest in any one year, shall be equal as nearly
 as may be to what is payable for principal and interest during each of the
 other years of the period within which the debt is to be discharged.

And whereas the amount of the whole rateable property of the Village
 of Madoc, according to the last revised assessment roll being for the
 year 1898 was \$308,792.

1. Debentures under the said Act and for the purposes therein men-
 tioned, to be known as the Village of Madoc Consolidated Debt Debentures
 to the extent of \$14,000, are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the pay-
 ment of the interest at the rate of four per cent. per annum, payable
 yearly on the first day of the month of January in each year.

3. This By-Law shall come into effect forthwith after the passing
 hereof.

Passed in open Council this day of
 A. D. 1899.

Reeve,
 Clerk.

No. 17.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Debt of the Village
of Madoc.

First Reading, 15th February, 1899.

*(Reprinted as amended by Committee on
Private Bills.)*

Mr. ALLEN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 18.]

BILL.

[1899.]

An Act respecting By-Law No. 304 of the Village of Southampton.

WHEREAS the Corporation of the Village of Southampton Preamble.
in the County of Bruce have by their petition represented that By-Law No. 304 of the said corporation was submitted to a vote of the ratepayers entitled to vote on money
5 by-laws as provided by *The Municipal Act*, and one hundred and fifty-seven of the ratepayers voted in favor of said By-Law and only nine against it; and whereas said By-Law provides for the loan of \$10,000 to the Southampton Manufacturing Company by the said corporation and the raising by the said
10 corporation of the said amount by the issue of debenture and for the exemption of certain property from taxes (except school taxes) for a period of fifteen years; and whereas prior to the submission of the said By-Law to the electors as aforesaid an agreement was entered into between the said corporation
15 and the said Company by which agreement certain slight modifications were made of the terms on which the said loan was to be granted according to said by-law and were well known to the electors of said Village before said vote was taken; and whereas said By-Law was finally passed by the
20 Municipal Council of the said corporation of the Village of Southampton on the 17th day of August last 1898; and whereas the Municipal Council of the said Village of Southampton by their petition have represented that it is expedient and of advantage to the municipality that said By-Law No.
25 304 and said agreement shall be declared legal valid and binding

ing: and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty by and with the consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

5

By-law No.
304 confirmed.

1. The said By-Law of the said Village of Southampton being By Law No. 304 of the said Village is hereby as set forth in the Schedule hereto marked A. declared legal, valid and binding upon the said municipality notwithstanding any defect in substance or form or in the mode of passing the same or otherwise and notwithstanding any want of authority of the said Corporation to pass the same. 10

Agreement
confirmed.

2. The said agreement which is set out in Schedule B. to this Act is hereby ratified and made legal and binding upon the parties thereto as if set out at length and incorporated in this Act. 15

Authority to
issue debentures.

3. The said Corporation of the Village of Southampton is hereby authorized and empowered to issue debentures as provided by said By-Law and said debentures so issued are hereby declared legal and binding upon the said corporation. 20

SCHEDULE A.

(Section 1.)

BY LAW No. 304.

Of the Corporation of the Village of Southampton

A By-law for granting aid by way of loan and otherwise to the Southampton Manufacturing Company of the Village of Southampton.

Whereas the Southampton Manufacturing Company has applied to the Municipal Council of the Corporation of the Village of Southampton to aid them by lending them the sum of ten thousand dollars and by exempting them for a term of fifteen years from all taxes (except school taxes) on their lands hereinafter mentioned and buildings, machinery and plant thereon, and in consideration of such aid the said Company proposes to increase their buildings by erecting on their premises in the Village of Southampton a new brick factory of the dimensions of fifty feet by one hundred and forty-six feet and three storeys high, a new boiler and engine house of the dimensions of thirty-six feet by thirty-six feet, one storey high; and a drying kiln, thirty-six feet by seventy-five feet, and to place new machinery in the same, the said buildings and machinery to be of the value of not less than twenty thousand dollars, the said buildings to be completed and the machinery placed and running not later than the First of January A. D. 1899 and in further consideration of said aid the said Company proposes to bind themselves that they will during the term of fifteen years from the First of January A. D. 1899 employ not less than seventy-five persons on the average each year, who shall be engaged in the running and working of the business of the said Company in the said Village of Southampton, and that they will pay said employees at least eighteen thousand dollars yearly in wages, and that the factory of the said Company in the said Village of Southampton shall run not less than

ten months yearly and shall be engaged in the manufacture of furniture during said term of fifteen years subject however as respects the time of running and the amount of wages paid by the Company to deductions from inevitable accident to the buildings, plant or machinery of the said Company but no such deduction to be allowed for more than a reasonable time for repairing or rebuilding.

And whereas the said Municipal Council of the Corporation of the said Village of Southampton is willing to grant the aid so desired subject to the following provisos and conditions to which the said Company has signified its assent,

Provided that before the said money is advanced to the said Company the said Company shall enter into a written agreement with the said Corporation to do all things hereinbefore mentioned to be done by the said Company and that on failure in performance or on breach of any of conditions aforesaid the said Company shall at once repay the amount so lent to them.

Provided further that the said Company shall at or before the time when the said money is advanced to them under the provisions of this by-law give a first mortgage upon the following real estate, namely: Lot number eighteen and the south half of Lot number seventeen both on the east side of Grosvenor Street and Lot number eighteen on the west side of Albert Street, all in the said Village of Southampton, and on the plant and machinery thereon or that may at any time be placed thereon to the Corporation of the Village of Southampton, said mortgage containing an insurance clause to the amount of not less than ten thousand dollars in favor of the said Corporation, said mortgage to be given as security for the performance of conditions aforesaid by the said Company and for the repayment by the said Company of the said loan which repayment, unless the same shall become earlier payable, under the terms hereinbefore mentioned shall be made as follows:

One thousand dollars of said loan to be repaid to the said Corporation on the First day of April A. D. 1910.

One thousand dollars on the first day of April, A. D. 1911.

One thousand dollars on the First day of April, A. D. 1912.

One thousand dollars on the first day of April, A. D. 1913 and the balance namely, six thousand dollars on the first day of April, A. D. 1914 with interest on the unpaid part of said ten thousand dollars at four per cent per annum calculated from the first day of April, A. D. 1899 to be paid yearly on each first day of April thereafter, the first payment of interest to be made on the first day of April, A. D. 1900.

And whereas in order to advance the said sum of ten thousand dollars in manner aforesaid, it is necessary and is intended by this By-law to create a debt on the part of said Corporation and to proceed for the issue of debentures therefor.

And whereas it is necessary to raise annually for the period of ten years during the currency of debentures to be issued under this By-law the sum of four hundred dollars to pay the interest on the said debt and to pay the interest on the said debt and to pay the interest and principal of said debt it is necessary to raise during the year A. D. 1910, the sum of fourteen hundred dollars during the year A. D. 1911, the sum of thirteen hundred and sixty dollars during the year A. D. 1912, the sum of thirteen hundred and twenty dollars during the year A. D. 1913, the sum of twelve hundred and eighty dollars, and during the year A. D. 1914, the sum of six thousand two hundred and forty dollars.

And whereas the amount of the whole rateable property of the said Village of Southampton is two hundred and thirty-nine thousand six hundred and thirty-one dollars according to the last revised Assessment Roll,

And whereas the amount of the existing debenture debt of the said village is nine thousand two hundred and sixty-one dollars, no part of which either for principal or interest is in arrears.

Be it therefore enacted by the Municipal Corporation of the Village of Southampton as follows :—

That the said Municipal Corporation shall advance to the said Southampton Manufacturing Company by way of loan to enable the said Company to build new buildings on their premises in said village and equip the same with machinery and plant for the manufacture of furniture the sum of ten thousand dollars to be repaid as follows.

One thousand dollars on the first day of April, A.D. 1910.

One thousand dollars on the first day of April, A.D. 1911.

One thousand dollars on the first day of April, A.D. 1912.

One thousand dollars on the first day of April, A.D. 1913.

Six thousand dollars on the first day of April, A.D. 1914.

No interest to be paid for ten years, but thereafter interest on the unpaid principal at the rate of four per cent. per annum, calculated from the first day of April, A. D. 1909 to be paid yearly on each first day of April, and the said loan to be subject to the conditions aforesaid.

2. That it shall be lawful for the reeve and treasurer of the said corporation to issue debentures of said corporation to the said amount of ten thousand dollars

3. That said debentures shall be of not less than one thousand dollars each and shall bear date the first day of April, A.D. 1899, and shall be issued to the respective amounts and payable on the first day of April in the respective years following :—

Year.	Interest.	Principal	Total annual amount
1900.....	\$400.00	.....	\$ 400.00
1901.....	400.00	.....	400.00
1902.....	400.00	.....	400.00
1903.....	400.00	.....	400.00
1904.....	400.00	.....	400.00
1905.....	400.00	.....	400.00
1906.....	400.00	.....	400.00
1907.....	400.00	.....	400.00
1908.....	400.00	.....	400.00
1909.....	400.00	.....	400.00
1910.....	400.00	\$ 1,000.00	1,400.00
1911.....	360.00	1,000.00	1,360.00
1912.....	320.00	1,000.00	1,320.00
1913.....	280.00	1,000.00	1,280.00
1914.....	240.00	6,000.00	6,240.00

And said debentures shall have coupons attached for the payment of interest thereon.

4. The said debentures shall be made payable to the bearer thereof and the same and the coupons attached shall be made payable at the office of the treasurer of the said Village of Southampton.

5. The said debentures shall be sealed with the corporate seal of the said village, and the said debentures and coupons shall be signed by the reeve and treasurer of the said village.

6. The said debentures shall bear interest at the rate of four per cent. per annum from the first day of April, A. D. 1899, payable on the first day of April in each year until the same falls due, the first payment of interest to be made on the first day of April, A.D. 1900.

7. In addition to all other rates to be levied, the said corporation shall raise and levy in each year during the currency of said debenture or any

of them by special rate on all rateable property in the said municipality, a sum sufficient to pay the amount falling due annually for the principal and interest upon the said debentures.

8. That the purchaser of any of the said debentures shall not be required to see to the application of the purchase money thereof or that the conditions of any agreement made or to be made between the Corporation of the Village of Southampton and the said Southampton Manufacturing Company have been complied with, observed or performed, but such debentures and coupons shall be unimpeachable on any such grounds in the hands of any purchaser for value.

9. That the said company shall for a period of fifteen years from the first day of January, A.D. 1899, be exempt from the payment of all taxes except school taxes, on their following property in the Village of Southampton.

10. That the foregoing parts of this by-law shall come into force and take effect from and after the same has been duly legalized and confirmed by the Legislature of the Province of Ontario.

11. That the votes of the electors of the Village of Southampton entitled to vote on this by-law shall be taken thereon on Monday the 11th day of July, A.D. 1898, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon at the place and by the deputy returning officers hereunder specified, at the Town Hall in the Village of Southampton, by James Howe, Deputy Returning Officer.

12. that on the ninth day of July, 1898, the reeve (or presiding officer of the council) of said corporation shall attend at the clerk's office at 12 o'clock noon, and shall appoint in writing signed by himself, two persons to attend to the final summing up of the votes by the clerk of the said village and one person to attend the said polling place on behalf of the persons interested in and desirous of promoting and passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by law

13. That on Wednesday, the thirteenth day of July, A.D. 1898, at the hour of twelve o'clock noon at the clerk's office, the clerk shall proceed to sum up the number of votes given for and against this by-law.

JAMES HOWE,

Clerk.

WM. MCGREGOR,

Chairman. [L.S.]

SCHEDULE B.

(Section 2.)

This indenture made in duplicate the eighth day of July, A.D. one thousand eight hundred and ninety-eight.

Between the Corporation of the Village of Southampton, of the first part, and

The Southampton Manufacturing Company, Limited, of the second part.

Whereas the said parties of the second part have applied to the municipal council of the said corporation for aid by loan and otherwise to enable the said parties of the second part to extend their business in the said village ;

And whereas the said parties of the first part have agreed, subject to the agreements, provisoes and conditions hereinafter contained, to aid

the said parties of the second part in extending their business by lending them the sum of ten thousand dollars and by exempting certain parts of the property hereinafter set forth from all taxes, except school taxes; provided that the said municipal council shall be authorized by the Legislature of the Province of Ontario to grant such aid and that by-law No. 304, read a first time and to be voted on by the voters in the village of Southampton on the eleventh of July instant, shall be carried on such vote, and shall be duly legalized and confirmed by special Act of the Legislature of the Province of Ontario.

And whereas it has been agreed that if said by-law shall be carried by a vote of the qualified municipal electors of the village of Southampton an application shall be made to the Legislature of the Province of Ontario at its next session to have said by-law duly legalized and confirmed.

Now this indenture witnesseth that the said parties hereto agree as follows:—

1. The said parties of the second part shall proceed to erect on their premises in the village of Southampton, in the county of Bruce, being lot number eighteen and south half of lot number seventeen, both on the east side of Grosvenor street, and lot eighteen on the west side of Albert street, a new brick factory of the dimensions of not less than fifty feet by one hundred and forty-six feet, and three storeys high, a new boiler and engine house of the dimensions of not less than thirty-six feet by thirty-six feet, one storey high, and a drying kiln not less than thirty six feet by seventy five feet, and shall place machinery in the same, the said buildings and machinery when completed, together with the land above mentioned (exclusive of the buildings now on the same) and all the machinery of the said parties of the second part in the buildings upon the said land to be of the value of not less than twenty thousand dollars.

2. The said buildings shall be fully completed and the machinery placed therein not later than the fifteenth day of June, A.D. 1899.

3. The said parties of the second part shall place machinery in the said buildings and the value of said buildings and machinery, together with the land above mentioned (exclusive of the buildings now on the same) and together with all the machinery of the said parties of the second part in all the buildings upon the said lands, shall be on the fifteenth of June next and shall be at all times until the said loan is repaid be maintained by the said parties of the second part at not less than twenty thousand dollars. The machinery mentioned in this paragraph and in paragraph one hereof shall be machinery in the nature of fixtures, so as to be included in the mortgage hereinafter mentioned.

4. For a period of fifteen years from the first of January, 1899, the said parties of the second part shall run their factory in the said village of Southampton, situate on the lands above mentioned, as a furniture factory for a period of at least ten months in each and every year (except as hereinafter mentioned) and shall pay in each and every year during said term to persons employed in such factory not less than eighteen thousand dollars in wages, except the first year, and shall pay during said first year in wages not less than fifteen thousand dollars.

Provided however that in case any inevitable accident to the buildings, plant or machinery shall prevent the said parties of the second part from running said factory for the full period of ten months in any one year, or in consequence of such stoppage from paying the full amount of eighteen thousand dollars in wages in such year, such failure to keep said factory running for said time or to pay said amount of wages as aforesaid shall not be construed a breach of this agreement, provided that no more than a reasonable time shall elapse before repairing or rebuilding is completed.

5. The said parties of the first part shall have the right before advancing the said sum of ten thousand dollars to appoint a valuator to value the land, buildings, machinery and plant to see that they are of the full value of twenty thousand dollars, and at any time during the said term of fifteen years from the first of January, 1899, the said parties of the first

part may have a valuation made by some valuator appointed by themselves for the same purpose. In case such valuator shall estimate the value of the land, buildings, machinery and plant (as mentioned in paragraph three hereof) to be under twenty thousand dollars, the said parties of the first and second parts may agree in appointing some valuator whose valuation shall be final. In case the said parties of the first and second parts cannot agree as to appointing such valuator, a valuator shall be appointed by the county judge, whose valuation shall be final.

6. The said parties of the second part shall at all times allow free access to their books of account to the Municipal Council of Southampton, or any committee or agent appointed by said council, so far as to show that they have fulfilled this Agreement as to payment of wages and as to the time they have kept running and so as to show the actual cost of the land, buildings, machinery and plant.

7. Before the said parties of the first part advance the said sum of ten thousand dollars the said parties of the second part shall execute a mortgage in favour of the said parties of the first part, upon Lot Number Eighteen and the south half of Lot Number Seventeen, both on the east side of Grosvenor Street, and Lot Number Eighteen on the west side of Albert Street all in the said Village of Southampton and upon and including fixed machinery and buildings forming part of the real estate.

8. The said Mortgage shall be a first mortgage and shall be given as security for repayment of the said loan of ten thousand dollars and interest on the terms of repayment hereinafter mentioned and as security that the said parties of the second part will abide by and fulfil all the terms and conditions of this Agreement.

9. The said Mortgage shall contain an insurance clause providing for insurance to the amount of not less than ten thousand dollars in a company or companies to be approved by the parties of the first part, the loss, if any, to be paid to the parties of the first part as their interest may appear. The said insurance to be held by the said parties of the first part as collateral security for the repayment of said loan and interest.

10. The said mortgage shall contain a clause to the effect that all plant and machinery brought on the premises either in addition to or substitution for other plant and machinery shall so far as legally possible, become fixtures and shall be included under said mortgage and that all machinery in the said premises at the time the said mortgage is given shall be considered as fixtures so far as legally possible.

11. The said parties of the second part shall pay the said sum of ten thousand dollars to the said parties of the first part as follows:—

\$1,000.00 on the First of April, A.D. 1910.

\$1,000.00 on the First of April, A.D. 1911.

\$1,000.00 on the First of April, A.D. 1912.

\$1,000.00 on the First of April, A.D. 1913.

\$6,000.00 on the First of April, A.D. 1914.

with interest from the First of April, A.D. 1909, at four per cent. per annum to be paid yearly on each first of April thereafter.

12. The said mortgage shall contain a clause to the effect that the whole of said sum of \$10,000 shall at once become due and payable in the event of the failure at any time of the said parties of the second part to fulfil all the terms and conditions in this agreement on their part to be performed and shall be conditioned to be void upon payment of the principal and interest as aforesaid and upon performance by the said parties of the second part of all terms and conditions on their part to be performed.

13. Before advancing said moneys the said parties of the second part shall satisfy the solicitor of the said parties of the first part that they have a good title free from all liens, charges and encumbrances to the land buildings plant and machinery contained in said mortgage.

14. In case the buildings plant and machinery or any part thereof shall be destroyed by fire during the continuance of this agreement the said

parties of the second part shall immediately or so soon as reasonably possible, according to the season of year, proceed to rebuild or replace the same.

15. All expenses incurred by the said parties of the first part in obtaining the passage of a private Act of the Legislature of the Province of Ontario legalizing and confirming said By-law No. 304 shall be borne by the said parties of the second part but the expenses of submitting said by-law or any amendment thereto to the vote of the electors of the Village of Southampton shall be borne by the parties of the first part.

16. In case the Legislature of the Province of Ontario shall refuse to pass an Act legalizing and confirming said By-law No. 304, this Agreement shall become null and void.

In witness whereof the said parties hereto have hereunto set their hands and seals, in manner following, that is to say, the said parties of the first part the hand of the Receiver and Clerk and the Corporate Seal of Southampton and the said parties of the second part, the hand of their president and their corporate seal.

L.S.

Signed, Sealed and Delivered
in the presence of
C. M. BOWMAN.

Signed, Sealed and Delivered
in the presence of
J. L. CONAWAY.

DANIEL KNECHTEL,
President.
P. M. KNECHTEL,
Sec'y-Treasurer.
A. E. BELCHER,
Reeve.
JAMES HOWE,
Clerk.

No. 18.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting By-Law No. 304 of the
Village of Southampton.

First Reading,	1898.
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(Private Bill.)

Mr. BOWMAN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 18.]

BILL.

[1899.

An Act respecting By-Law No. 304 of the Village of Southampton.

WHEREAS the *Municipal* Corporation of the Village of Southampton, in the County of Bruce *has* by petition represented that By-Law No. 304 of the said corporation was submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Municipal Act*, and one hundred and fifty-seven of the ratepayers voted in favor of said By-Law and only nine against it; ^{and} and whereas thirty-seven qualified ratepayers of the said village who were not in the municipality the day the voting on the said By-Law took place and who did not therefore vote, have also petitioned asking that the said By-Law should be confirmed; and whereas it is represented that the thirty-seven last mentioned ratepayers and the 157 ratepayers who voted in favour of the said By-law No. 304 are together more than two-thirds of the ratepayers of the said village qualified to vote on By-Laws for the creation of debts; ^{and} and whereas said By-Law provides for the loan of \$10,000 to the Southampton Manufacturing Company by the said corporation and the raising by the said corporation of the said amount by the issue of debentures and for the exemption of certain property from taxes (except school taxes) for a period of fifteen years; and whereas prior to the submission of the said By-Law to the electors as aforesaid an agreement was entered into between the said corporation and the said Company by which agreement certain slight modifications were made of the terms on which the said loan

Preamble.

was to be granted according to *the* said by-law and were well known to the electors of said Village before said vote was taken; and whereas *the* said By-Law was finally passed by the Municipal Council of the said corporation of the Village of Southampton on the 17th day of August last 1898; and whereas by *the* said petition *it has been* represented that it is expedient and *will be* of advantage to the municipality that said By-Law No. 304 and said agreement shall be declared legal valid and binding;³ and whereas the said By-Law comes within the provisions of the repealed clauses of *The Municipal Amendment Act of 1888*, relating to the granting of aid to industrial enterprises;³ and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty by and with the *advice and consent* of the Legislative Assembly of the Province of Ontario enacts as follows:—

- | | |
|--------------------------------|---|
| By-law No. 304 confirmed. | 1. The said By-Law of the said Village of Southampton being By-Law No. 304 of the said Village is hereby as set forth in the Schedule hereto marked A. declared legal, valid and binding upon the said municipality notwithstanding any defect in substance or form or in the mode of passing the same or otherwise and notwithstanding any want of authority of the said Corporation to pass the same. |
| Agreement confirmed. | 2. The said agreement which is set out in Schedule B. to this Act is hereby ratified and made legal and binding upon the parties thereto. |
| Authority to issue debentures. | 3. The said Corporation of the Village of Southampton is hereby authorized and empowered to issue debentures as provided by said By-Law and said debentures so issued are hereby declared legal and binding upon the said corporation. |

SCHEDULE A.

(Section 1.)

BY LAW No. 304.

Of the Corporation of the Village of Southampton.

A By-law for granting aid by way of loan and otherwise to the Southampton Manufacturing Company of the Village of Southampton.

Whereas the Southampton Manufacturing Company has applied to the Municipal Council of the Corporation of the Village of Southampton to aid them by lending them the sum of ten thousand dollars and by exempting them for a term of fifteen years from all taxes (except school taxes) on their lands hereinafter mentioned and buildings, machinery and plant thereon, and in consideration of such aid the said Company proposes to increase their buildings by erecting on their premises in the Village of Southampton a new brick factory of the dimensions of fifty feet by one hundred and forty-six feet and three storeys high, a new boiler and engine house of the

dimensions of thirty-six feet by thirty-six feet, one storey high; and a drying kiln, thirty-six feet by seventy-five feet, and to place new machinery in the same, the said buildings and machinery to be of the value of not less than twenty thousand dollars, the said buildings to be completed and the machinery placed and running not later than the First of January A. D. 1899 and in further consideration of said aid the said Company proposes to bind themselves that they will during the term of fifteen years from the First of January A. D. 1899 employ not less than seventy-five persons on the average each year, who shall be engaged in the running and working of the business of the said Company in the said Village of Southampton, and that they will pay said employees at least eighteen thousand dollars yearly in wages, and that the factory of the said Company in the said Village of Southampton shall run not less than ten months yearly and shall be engaged in the manufacture of furniture during said term of fifteen years subject however as respects the time of running and the amount of wages paid by the Company to deductions from inevitable accident to the buildings, plant or machinery of the said Company but no such deduction to be allowed for more than a reasonable time for repairing or rebuilding.

And whereas the said Municipal Council of the Corporation of the said Village of Southampton is willing to grant the aid so desired subject to the following provisos and conditions to which the said Company has signified its assent,

Provided that before the said money is advanced to the said Company the said Company shall enter into a written agreement with the said Corporation to do all things hereinbefore mentioned to be done by the said Company and that on failure in performance or on breach of any of conditions aforesaid the said Company shall at once repay the amount so lent to them.

Provided further that the said Company shall at or before the time when the said money is advanced to them under the provisions of this by-law give a first mortgage upon the following real estate, namely : Lot number eighteen and the south half of Lot number seventeen both on the east side of Grosvenor Street and Lot number eighteen on the west side of Albert Street, all in the said Village of Southampton, and on the plant and machinery thereon or that may at any time be placed thereon to the Corporation of the Village of Southampton, said mortgage containing an insurance clause to the amount of not less than ten thousand dollars in favor of the said Corporation, said mortgage to be given as security for the performance of conditions aforesaid by the said Company and for the repayment by the said Company of the said loan which repayment, unless the same shall become earlier payable, under the terms hereinbefore mentioned shall be made as follows :

One thousand dollars of said loan to be repaid to the said Corporation on the First day of April A. D. 1910.

One thousand dollars on the first day of April, A. D. 1911.

One thousand dollars on the First day of April, A. D. 1912.

One thousand dollars on the first day of April, A. D. 1913 and the balance namely, six thousand dollars on the first day of April, A. D. 1914 with interest on the unpaid part of said ten thousand dollars at four per cent per annum calculated from the first day of April, A. D. 1899 to be paid yearly on each first day of April thereafter, the first payment of interest to be made on the first day of April, A. D. 1900.

And whereas in order to advance the said sum of ten thousand dollars in manner aforesaid, it is necessary and is intended by this By-law to create a debt on the part of said Corporation and to proceed for the issue of debentures therefor.

And whereas it is necessary to raise annually for the period of ten years during the currency of debentures to be issued under this By-law

the sum of four hundred dollars to pay the interest on the said debt and to pay the interest on the said debt and to pay the interest and principal of said debt it is necessary to raise during the year A. D. 1910, the sum of fourteen hundred dollars during the year A. D. 1911, the sum of thirteen hundred and sixty dollars during the year A. D. 1912, the sum of thirteen hundred and twenty dollars during the year A. D. 1913, the sum of twelve hundred and eighty dollars, and during the year A. D. 1914, the sum of six thousand two hundred and forty dollars.

And whereas the amount of the whole rateable property of the said Village of Southampton is two hundred and thirty-nine thousand six hundred and thirty-one dollars according to the last revised Assessment Roll,

And whereas the amount of the existing debenture debt of the said village is nine thousand two hundred and sixty-one dollars, no part of which either for principal or interest is in arrears.

Be it therefore enacted by the Municipal Corporation of the Village of Southampton as follows :—

That the said Municipal Corporation shall advance to the said Southampton Manufacturing Company by way of loan to enable the said Company to build new buildings on their premises in said village and equip the same with machinery and plant for the manufacture of furniture the sum of ten thousand dollars to be repaid as follows.

One thousand dollars on the first day of April, A.D. 1910.
 One thousand dollars on the first day of April, A.D. 1911.
 One thousand dollars on the first day of April, A.D. 1912.
 One thousand dollars on the first day of April, A.D. 1913.
 Six thousand dollars on the first day of April, A.D. 1914.

No interest to be paid for ten years, but thereafter interest on the unpaid principal at the rate of four per cent. per annum, calculated from the first day of April, A. D. 1909 to be paid yearly on each first day of April, and the said loan to be subject to the conditions aforesaid.

2. That it shall be lawful for the reeve and treasurer of the said corporation to issue debentures of said corporation to the said amount of ten thousand dollars.

3. That said debentures shall be of not less than one thousand dollars each and shall bear date the first day of April, A.D. 1899, and shall be issued to the respective amounts and payable on the first day of April in the respective years following :—

Year.	Interest.	Principal	Total annual amount
1900.....	\$400.00	.....	\$ 400.00
1901.....	400.00	.....	400.00
1902.....	400.00	.....	400.00
1903.....	400.00	.....	400.00
1904.....	400.00	.....	400.00
1905.....	400.00	.....	400.00
1906.....	400.00	.....	400.00
1907.....	400.00	.....	400.00
1908.....	400.00	.....	400.00
1909.....	400.00	.....	400.00
1910.....	400.00	\$ 1,000.00	1,400.00
1911.....	360.00	1,000.00	1,360.00
1912.....	320.00	1,000.00	1,320.00
1913.....	280.00	1,000.00	1,280.00
1914.....	240.00	6,000.00	6,240.00

And said debentures shall have coupons attached for the payment of interest thereon.

4. The said debentures shall be made payable to the bearer thereof and the same and the coupons attached shall be made payable at the office of the treasurer of the said Village of Southampton.

5. The said debentures shall be sealed with the corporate seal of the said village, and the said debentures and coupons shall be signed by the reeve and treasurer of the said village.

6. The said debentures shall bear interest at the rate of four per cent. per annum from the first day of April, A.D. 1899, payable on the first day of April in each year until the same falls due, the first payment of interest to be made on the first day of April, A.D. 1900.

7. In addition to all other rates to be levied, the said corporation shall raise and levy in each year during the currency of said debenture or any

of them by special rate on all rateable property in the said municipality, a sum sufficient to pay the amount falling due annually for the principal and interest upon the said debentures.

8. That the purchaser of any of the said debentures shall not be required to see to the application of the purchase money thereof or that the conditions of any agreement made or to be made between the Corporation of the Village of Southampton and the said Southampton Manufacturing Company have been complied with, observed or performed, but such debentures and coupons shall be unimpeachable on any such grounds in the hands of any purchaser for value.

9. That the said company shall for a period of fifteen years from the first day of January, A.D. 1899, be exempt from the payment of all taxes except school taxes, on their following property in the Village of Southampton.

10. That the foregoing parts of this by-law shall come into force and take effect from and after the same has been duly legalized and confirmed by the Legislature of the Province of Ontario.

11. That the votes of the electors of the Village of Southampton entitled to vote on this by-law shall be taken thereon on Monday the 11th day of July, A.D. 1898, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon at the place and by the deputy returning officers hereunder specified, at the Town Hall in the Village of Southampton, by James Howe, Deputy Returning Officer.

12. that on the ninth day of July, 1898, the reeve (or presiding officer of the council) of said corporation shall attend at the clerk's office at 12 o'clock noon, and shall appoint in writing signed by himself, two persons to attend to the final summing up of the votes by the clerk of the said village and one person to attend the said polling place on behalf of the persons interested in and desirous of promoting and passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

13. That on Wednesday, the thirteenth day of July, A.D. 1898, at the hour of twelve o'clock noon at the clerk's office, the clerk shall proceed to sum up the number of votes given for and against this by-law.

JAMES HOWE,

Clerk.

WM. MCGREGOR,

Chairman. [L.S.]

SCHEDULE B.

(Section 2.)

This indenture made in duplicate the eighth day of July, A.D. one thousand eight hundred and ninety eight.

Between the Corporation of the Village of Southampton, of the first part, and

The Southampton Manufacturing Company, Limited, of the second part.

Whereas the said parties of the second part have applied to the municipal council of the said corporation for aid by loan and otherwise to enable the said parties of the second part to extend their business in the said village ;

And whereas the said parties of the first part have agreed, subject to the agreements, provisoes and conditions hereinafter contained, to aid the said parties of the second part in extending their business by lending them the sum of ten thousand dollars and by exempting certain parts of the property hereinafter set forth from all taxes, except school taxes ; provided that the said municipal council shall be authorized by the Legislature of the Province of Ontario to grant such aid and that by-law No. 394, read a first time and to be voted on by the voters in the village of Southampton on the eleventh of July instant, shall be carried on such vote, and shall be duly legalized and confirmed by special Act of the Legislature of the Province of Ontario.

And whereas it has been agreed that if said by-law shall be carried by a vote of the qualified municipal electors of the village of Southampton an application shall be made to the Legislature of the Province of Ontario at its next session to have said by-law duly legalized and confirmed.

Now this indenture witnesseth that the said parties hereto agree as follows :—

1. The said parties of the second part shall proceed to erect on their premises in the village of Southampton, in the county of Bruce, being lot number eighteen and south half of lot number seventeen, both on the east side of Grosvenor street, and lot eighteen on the west side of Albert street, a new brick factory of the dimensions of not less than fifty feet by one hundred and forty-six feet, and three storeys high, a new boiler and engine house of the dimensions of not less than thirty-six feet by thirty-six feet, one storey high, and a drying kiln not less than thirty six feet by seventy five feet, and shall place machinery in the same, the said buildings and machinery when completed, together with the land above mentioned (exclusive of the buildings now on the same) and all the machinery of the said parties of the second part in the buildings upon the said land to be of the value of not less than twenty thousand dollars.

2. The said buildings shall be fully completed and the machinery placed therein not later than the fifteenth day of June, A.D. 1899.

3. The said parties of the second part shall place machinery in the said buildings and the value of said buildings and machinery, together with the land above mentioned (exclusive of the buildings now on the same) and together with all the machinery of the said parties of the second part in all the buildings upon the said lands, shall be on the fifteenth of June next and shall be at all times until the said loan is repaid be maintained by the said parties of the second part at not less than twenty thousand dollars. The machinery mentioned in this paragraph and in paragraph one hereof shall be machinery in the nature of fixtures, so as to be included in the mortgage hereinafter mentioned.

4. For a period of fifteen years from the first of January, 1899, the said parties of the second part shall run their factory in the said village of Southampton, situate on the lands above mentioned, as a furniture factory

for a period of at least ten months in each and every year (except as hereinafter mentioned) and shall pay in each and every year during said term to persons employed in such factory not less than eighteen thousand dollars in wages, except the first year, and shall pay during said first year in wages not less than fifteen thousand dollars.

Provided however that in case any inevitable accident to the buildings, plant or machinery shall prevent the said parties of the second part from running said factory for the full period of ten months in any one year, or in consequence of such stoppage from paying the full amount of eighteen thousand dollars in wages in such year, such failure to keep said factory running for said time or to pay said amount of wages as aforesaid shall not be construed a breach of this agreement, provided that no more than a reasonable time shall elapse before repairing or rebuilding is completed.

5. The said parties of the first part shall have the right before advancing the said sum of ten thousand dollars to appoint a valuator to value the land, buildings, machinery and plant to see that they are of the full value of twenty thousand dollars, and at any time during the said term of fifteen years from the first of January, 1899, the said parties of the first

part may have a valuation made by some valuator appointed by themselves for the same purpose. In case such valuator shall estimate the value of the land, buildings, machinery and plant (as mentioned in paragraph three hereof) to be under twenty thousand dollars, the said parties of the first and second parts may agree in appointing some valuator whose valuation shall be final. In case the said parties of the first and second parts cannot agree as to appointing such valuator, a valuator shall be appointed by the county judge, whose valuation shall be final.

6. The said parties of the second part shall at all times allow free access to their books of account to the Municipal Council of Southampton, or any committee or agent appointed by said council, so far as to show that they have fulfilled this Agreement as to payment of wages and as to the time they have kept running and so as to show the actual cost of the land, buildings, machinery and plant.

7. Before the said parties of the first part advance the said sum of ten thousand dollars the said parties of the second part shall execute a mortgage in favour of the said parties of the first part, upon Lot Number Eighteen and the south half of Lot Number Seventeen, both on the east side of Grosvenor Street, and Lot Number Eighteen on the west side of Albert Street all in the said Village of Southampton and upon and including fixed machinery and buildings forming part of the real estate.

8. The said Mortgage shall be a first mortgage and shall be given as security for repayment of the said loan of ten thousand dollars and interest on the terms of repayment hereinafter mentioned and as security that the said parties of the second part will abide by and fulfil all the terms and conditions of this Agreement.

9. The said Mortgage shall contain an insurance clause providing for insurance to the amount of not less than ten thousand dollars in a company or companies to be approved by the parties of the first part, the loss, if any, to be paid to the parties of the first part as their interest may appear. The said insurance to be held by the said parties of the first part as collateral security for the repayment of said loan and interest.

10. The said mortgage shall contain a clause to the effect that all plant and machinery brought on the premises either in addition to or substitution for other plant and machinery shall so far as legally possible, become fixtures and shall be included under said mortgage and that all machinery in the said premises at the time the said mortgage is given shall be considered as fixtures so far as legally possible.

11. The said parties of the second part shall pay the said sum of ten thousand dollars to the said parties of the first part as follows :—

\$1,000.00 on the First of April, A.D. 1910.

\$1,000.00 on the First of April, A.D. 1911.

\$1,000.00 on the First of April, A.D. 1912.

\$1,000.00 on the First of April, A.D. 1913.

\$6,000.00 on the First of April, A.D. 1914.

with interest from the First of April, A.D. 1909, at four per cent. per annum to be paid yearly on each first of April thereafter.

12. The said mortgage shall contain a clause to the effect that the whole of said sum of \$10,000 shall at once become due and payable in the event of the failure at any time of the said parties of the second part to fulfil all the terms and conditions in this agreement on their part to be performed and shall be conditioned to be void upon payment of the principal and interest as aforesaid and upon performance by the said parties of the second part of all terms and conditions on their part to be performed.

13. Before advancing said moneys the said parties of the second part shall satisfy the solicitor of the said parties of the first part that they have a good title free from all liens, charges and encumbrances to the land buildings plant and machinery contained in said mortgage.

14. In case the buildings plant and machinery or any part thereof shall be destroyed by fire during the continuance of this agreement the said parties of the second part shall immediately or so soon as reasonably possible, according to the season of year, proceed to rebuild or replace the same.

15. All expenses incurred by the said parties of the first part in obtaining the passage of a private Act of the Legislature of the Province of Ontario legalizing and confirming said By-law No. 304 shall be borne by the said parties of the second part but the expenses of submitting said by-law or any amendment thereto to the vote of the electors of the Village of Southampton shall be borne by the parties of the first part.

16. In case the Legislature of the Province of Ontario shall refuse to pass an Act legalizing and confirming said By-law No. 304, this Agreement shall become null and void.

In witness whereof the said parties hereto have hereunto set their hands and seals, in manner following, that is to say, the said parties of the first part the hand of the Reeve and Clerk and the Corporate Seal of Southampton and the said parties of the second part, the hand of their president and their corporate seal.

L.S.

Signed, Sealed and Delivered
in the presence of
C. M. BOWMAN.

Signed, Sealed and Delivered
in the presence of
J. L. CONAWAY.

}	DANIEL KNECHTEL, President.
}	P. M. KNECHTEL, Sec'y-Treasurer.
}	A. E. BELCHER, Reeve.
}	JAMES HOWE, Clerk.

No. 18.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting By-Law No. 304 of the
Village of Southampton.

First Reading, 15th February, 1898.

(*Reprinted as Amended by Private Bills
Committee.*)

Mr. BOWMAN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 19.]

BILL

[1899.

An Act respecting the Brantford Gas Company.

WHEREAS on the thirteenth day of March, A.D. 1854, The Preamble.
Brantford Gas Company was incorporated under the provisions of the Act passed in the sixteenth year of the reign of Queen Victoria, chapter 173 entitled *An Act to provide for the formation of incorporated Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, with a capital stock of six thousand pounds, divided into one thousand two hundred shares of five pounds each, for a period of fifty years from the said date; and whereas the capital stock of the said company has from time to time been increased, and now stands at the sum of \$36,400.00 ordinary, and \$23,000.00 preferred stock; and whereas the said company are desirous of increasing their capital stock and further extending the powers of the said company as hereinafter mentioned, and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majetsy, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

20 1. The said The Brantford Gas Company is hereby declared to be a body politic and corporate, having in perpetuity all the powers, rights, privileges and authorities conferred upon companies incorporated under chapter 199 of the Revised Statutes of Ontario, or which may hereafter be conferred by
25 any amendment to said Act.

Declaration of
incorporation.

Capital stock
increased.

2. The capital stock of the said company shall be and the same is hereby increased to the sum of \$200,000.00, to be issued or allotted in such manner, so far as the increased capital is concerned, as the directors may by by-law determine.

Authority to
issue debentures.

3. The directors of the said company, after the sanction of 5
the shareholders shall have been first obtained at any special
general meeting to be called from time to time for such purpose, shall have power to issue bonds or debenture stock for
the purpose of improvements or extensions to the works of the
said company, or for other purposes of the said company, and 10
such bonds and scrip for debenture stock shall be made and
signed by the president or vice-president of the said company,
and countersigned by the secretary and treasurer, and under
the seal of the said company, and shall, without registration or
formal conveyance be taken and considered to be first and 15
preferential claims and charges upon the real and personal
property of the said company then existing and at any time
thereafter acquired, and upon the franchises of the said company,
and each holder of the said bonds or debenture stock
shall be deemed to be a mortgagee and encumbrancer pro rata 20
with all other holders thereof upon the undertaking and real
and personal property of the company as aforesaid. Provided,
however, that an issue of bonds and debenture stock shall not
exceed in all \$200,000.00; and provided that in the event at
any time that the interest upon said bonds or debenture stock 25
remaining unpaid and owing, then at the next ensuing general
annual meeting of the company all holders of bonds and debenture
stock shall have and possess the same rights and privileges
and qualifications for directors and for voting as are attached
to shareholders. But in such case the bonds and debenture 30
stock shall first be registered in the same manner as is provided
for the registration of shares, and it shall be the duty of
the secretary of the company to register the same on being
required so to do by any holder thereof, and that notwithstanding
any such bonds may have been already registered by 35
a former holder thereof.

Form of
debentures.

4. Any such bonds or coupons thereof may be made payable to bearer, and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name. Such bonds and debenture 40
stock are hereby declared to be personal property.

Pledge bonds.

5. The said company hereby incorporated may from time to time for advances of money to be made thereon, mortgage or pledge any bonds or debenture stock which they can, under the powers of this Act, issue, for the purposes aforesaid. 45

Registration
of stock.

6. Any debenture stock authorized under this Act which from time to time shall be created shall be entered by the company in a register to be kept for that purpose, at the head

office, wherein they shall enter the names and addresses of the several persons or corporations from time to time entitled to such debenture stock, with the respective amounts of the stock to which they are respectively entitled.

5 **7.** The said company shall deliver to every holder a certi- Issue of
 cate stating the amount of the debenture stock held by him, certificates.
 and of the regulations and provisions for the time being appli-
 cable to certificates of ordinary shares of the capital stock of
 10 the said company, and the transfers of such shares shall apply
 mutatis mutandis to certificates and transfers of the debenture
 stock. Provided, that the company shall not be bound to
 accept any such transfer, nor shall any such transfer be effec-
 tual unless and until the scrip or certificate before issued for
 15 the debenture stock proposed to be transferred be delivered up
 to be cancelled, or such delivery and cancellation dispensed
 with by the company and a new certificate or certificates issued
 in lieu thereof.

8. The said debenture stock shall not be transferable in Transfer of
 amounts less than five hundred dollars, and no transfer shall stock.
 20 include any fractional part of one hundred dollars.

9. The said company shall have power to purchase the Power to
 franchise, property, business and assets of any company fur- acquire elec
 nishing electric light or power within the City of Brantford, tric light
 now incorporated or which shall or may hereafter be incor- plants.
 25 porated, for such price as may be agreed upon between the said
 companies, and may issue or allot in payment of the purchase
 money therefor partly or fully paid-up shares in the said The
 Brantford Gas Company, at par or at such rate of discount or
 premium as may be agreed upon, or may issue debenture or
 30 preference stock or bonds for such amounts and at such rates
 of interest as may be agreed upon; and it shall and may be
 lawful for any such company to sell and convey to the said
 The Brantford Gas Company the franchise, property, business
 and assets, and to accept in payment therefor the shares of
 35 debenture or preference stock or bonds hereinbefore mentioned.

10. The said The Brantford Gas Company may enter into Power to
 all contracts and agreements necessary to such union and amalgamate.
 amalgamation.

11. The directors of the said companies may enter into an Terms of
 agreement under the respective corporate seals of the said agreement.
 40 companies, for the amalgamation and consolidation thereof,
 describing the terms and conditions thereof, and the mode of
 carrying the same into effect, the name of the new corporation,
 the number of directors and the other officers thereof, and who
 shall be the first directors and officers thereof and their places
 45 of residence, and the number of shares of the capital stock,
 the amount of the par value of each share, and the manner of

converting the capital stock of each of the said companies into that of the new corporation, and how and when and for how long the directors and other officers of such new corporation shall be elected, and when the election shall be held, and such other details as they may deem necessary to perfect such new organization and the consolidation and amalgamation of the said companies, and the after management and working thereof. Such agreement shall be submitted to the shareholders of each of the said companies at a meeting thereof to be held separately for the purpose of taking the same into consideration, and notice of the time and place of such meetings and the objects thereof shall be given by written or printed notice to be addressed to each of the shareholders of the said companies respectively at the last known post office or place of residence of such shareholder, and also by a general notice to be published in the "Brantford Expositor" newspaper, published in Brantford, once a week for two successive weeks. At such meetings of shareholders the proposed agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, and each share shall entitle the holder thereof to cast one vote, and the said ballot may be cast in person or by proxy.

Certificate of
secretary and
filing of same

12. If two-thirds of the votes of all the shareholders of the said companies respectively are in favor of the adoption of the agreement, than that fact shall be certified upon the agreement by the Secretary of each company under the corporate seals thereof, and if an agreement is so adopted at the respective meetings of the shareholders of each of the said companies, the agreement so adopted, and the said certificate shall be filed in the office of the Provincial Secretary, and the said agreement shall thenceforth be deemed to be the agreement and act of consolidation and amalgamation of the respective companies, and a copy of such agreement so filed and of the certificates thereon, certified by the Provincial Secretary shall be evidence of the existence of the new Corporation or Corporations.

When amalgamation shall
take place.

13. Upon the making and perfecting of the agreement and act of consolidation as heretofore provided, and the filing of the agreement as provided, the said company shall be deemed and taken to be consolidated and to form one corporation with the name in the agreement provided, with a common seal, and shall possess all the rights, privileges, franchises, and subject to the liabilities and debts of each of the said companies, except as herein otherwise provided.

Property to
vest in new
corporation*

14. Upon the consummation of the said Act of Consolidation as aforesaid, all and singular the business property, real, personal and mixed, and all the rights and interests appurtenant thereto, all stock, mortgages and other securities, subscriptions or other debts due on whatever account, and

other things in action belonging to the said two companies and each of them shall be deemed to be taken and transferred to and vested in such new corporation without further act or deed.

5 **15.** All rights of creditors and liens upon the property of
 any of said companies shall not be impaired by such consoli- Rights of
creditors pre-
served
 dation, and all debts, liabilities and duties of each of said
 companies shall thenceforth attach to the new company, and
 may be enforced against it to the same extent as if the said
 10 debts, liabilities and duties had been contracted or incurred
 by it.

16. No action or proceeding by or against the said Rights of
action pre-
served.
 companies or any of them shall abate or be affected by such
 consolidation, but for all purposes of such action or proceeding
 15 the said companies or either of them may be deemed to
 continue to exist, or the new corporation may be substituted
 in such action or proceeding in place thereof.

17. Nothing herein contained shall affect the rights of Rights of
stockholders
preserved.
 holders of the \$23,000.00 preferred stock in the said company,
 20 in respect to the said stock or the dividends payable thereunder.

No. 19.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Brantford Gas
Company.

First Reading,	1899.
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(Private Bill.)

MR. BURT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 19.]

BILL.

[1899.]

An Act respecting the Brantford Gas Company.

WHEREAS on the thirteenth day of March, 1854, The Preamble.
Brantford Gas Company was incorporated under the provisions of the Act passed in the sixteenth year of the reign of Queen Victoria, chapter 173 entitled *An Act to provide for the formation of incorporated Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, with a capital stock of six thousand pounds, divided into one thousand two hundred shares of five pounds each, for a period of fifty years from the said date; and whereas the said company has by petition represented that the capital stock of the said company has from time to time been increased, and now stands at the sum of \$36,400 ordinary, and \$23,000 preferred stock; and whereas the said company is desirous of increasing the capital stock and further extending the powers of the said company as hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majetsy, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said The Brantford Gas Company is hereby declared to be a body politic and corporate, having in perpetuity all the powers, rights, privileges and authorities conferred upon companies incorporated under chapter 199 of the Revised Statutes of Ontario, or which may hereafter be conferred by any amendment to said Act. Declaration of incorporation.

Capital stock increased.

2. The capital stock of the said company shall be and the same is hereby increased to the sum of \$200,000, to be issued or allotted in such manner, so far as the increased capital is concerned, as the directors may by by-law determine.

Authority to issue debentures.

3. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds or debenture stock for the purpose of improvements or extensions to the works of the said company, or for other purposes of the said company, and such bonds and scrip for debenture stock shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, and shall, without registration or formal conveyance be taken and considered to be first and preferential claims and charges upon the real and personal property of the said company then existing and at any time thereafter acquired, and upon the franchises of the said company, and each holder of the said bonds or debenture stock shall be deemed to be a mortgagee and encumbrancer pro rata with all other holders thereof upon the undertaking and real and personal property of the company as aforesaid. Provided, however, that an issue of bonds and debenture stock shall not exceed in all \$200,000.00; and provided that in the event at any time that the interest upon said bonds or debenture stock remaining unpaid and owing, then at the next ensuing general annual meeting of the company all holders of bonds and debenture stock shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders. But in such case the bonds and debenture stock shall first be registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required so to do by any holder thereof, and that notwithstanding any such bonds may have been already registered by a former holder thereof.

Form of debentures.

4. Any such bonds or coupons thereof may be made payable to bearer, and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name. Such bonds and debenture stock are hereby declared to be personal property.

Pledge bonds.

5. The said company hereby incorporated may from time to time for advances of money to be made thereon, mortgage or pledge any bonds or debenture stock which they can, under the powers of this Act, issue, for the purposes aforesaid.

Registration of stock.

6. Any debenture stock authorized under this Act which from time to time shall be created shall be entered by the company in a register to be kept for that purpose, at the head

office, wherein they shall enter the names and addresses of the several persons or corporations from time to time entitled to such debenture stock, with the respective amounts of the stock to which they are respectively entitled.

7. The said company shall deliver to every holder a certificate stating the amount of the debenture stock held by him, and of the regulations and provisions for the time being applicable to certificates of ordinary shares of the capital stock of the said company, and the transfers of such shares shall apply mutatis mutandis to certificates and transfers of the debenture stock. Provided, that the company shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the debenture stock proposed to be transferred be delivered up to be cancelled, or such delivery and cancellation dispensed with by the company and a new certificate or certificates issued in lieu thereof. Issue of certificates.

8. The said debenture stock shall not be transferable in amounts less than five hundred dollars, and no transfer shall include any fractional part of one hundred dollars. Transfer of stock.

9. The said company shall have power to purchase the franchise, property, business and assets of any company furnishing electric light or power within the City of Brantford, now incorporated or which shall or may hereafter be incorporated, for such price as may be agreed upon between the said companies, and may issue or allot in payment of the purchase money therefor partly or fully paid-up shares in the said The Brantford Gas Company, at par or at such rate of discount or premium as may be agreed upon, or may issue debenture or preference stock or bonds for such amounts and at such rates of interest as may be agreed upon; and it shall and may be lawful for any such company to sell and convey to the said The Brantford Gas Company the franchise, property, business and assets, and to accept in payment therefor the shares of debenture or preference stock or bonds hereinbefore mentioned. Power to acquire electric light plants.

10. The said The Brantford Gas Company may enter into all contracts and agreements necessary to such union and amalgamation. Power to amalgamate.

11. The directors of the said companies may enter into an agreement under the respective corporate seals of the said companies, for the amalgamation and consolidation thereof, describing the terms and conditions thereof, and the mode of carrying the same into effect, the name of the new corporation, the number of directors and the other officers thereof, and who shall be the first directors and officers thereof and their places of residence, and the number of shares of the capital stock, the amount of the par value of each share, and the manner of Terms of agreement.

converting the capital stock of each of the said companies into that of the new corporation, and how and when and for how long the directors and other officers of such new corporation shall be elected, and when the election shall be held, and such other details as they may deem necessary to perfect such new organization and the consolidation and amalgamation of the said companies, and the after management and working thereof. Such agreement shall be submitted to the shareholders of each of the said companies at a meeting thereof to be held separately for the purpose of taking the same into consideration, and notice of the time and place of such meetings and the objects thereof shall be given by written or printed notice to be addressed to each of the shareholders of the said companies respectively at the last known post office or place of residence of such shareholder, and also by a general notice to be published in the "Brantford Expositor" newspaper, published in Brantford, once a week for two successive weeks. At such meetings of shareholders the proposed agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, and each share shall entitle the holder thereof to cast one vote, and the said ballot may be cast in person or by proxy.

Certificate of
secretary and
filing of same

12. If two-thirds of the votes of all the shareholders of the said companies respectively are in favor of the adoption of the agreement, then that fact shall be certified upon the agreement by the Secretary of each company under the corporate seals thereof, and if an agreement is so adopted at the respective meetings of the shareholders of each of the said companies, the agreement so adopted, and the said certificate shall be filed in the office of the Provincial Secretary, and the said agreement shall thenceforth be deemed to be the agreement and act of consolidation and amalgamation of the respective companies, and a copy of such agreement so filed and of the certificates thereon, certified by the Provincial Secretary shall be evidence of the existence of the new Corporation or Corporations.

When amalga-
mation shall
take place.

13. Upon the making and perfecting of the agreement and act of consolidation as heretofore provided, and the filing of the agreement as provided, the said company shall be deemed and taken to be consolidated and to form one corporation, with the name in the agreement provided, with a common seal, and shall possess all the rights, privileges, franchises, and subject to the liabilities and debts of each of the said companies, except as herein otherwise provided.

Property to
vest in new
corporation^a

14. Upon the consummation of the said Act of Consolidation as aforesaid, all and singular the business property, real, personal and mixed, and all the rights and interests appurtenant thereto, all stock, mortgages and other securities, subscriptions or other debts due on whatever account, and

other things in action belonging to the said two companies and each of them shall be deemed to be taken and transferred to and vested in such new corporation without further act or deed.

15. All rights of creditors and liens upon the property of any of said companies shall not be impaired by such consolidation, and all debts, liabilities and duties of each of said companies shall thenceforth attach to the new company, and may be enforced against it to the same extent as if the said debts, liabilities and duties had been contracted or incurred by it. Rights of creditors preserved.

16. No action or proceeding by or against the said companies or any of them shall abate or be affected by such consolidation, but for all purposes of such action or proceeding the said companies or either of them may be deemed to continue to exist, or the new corporation may be substituted in such action or proceeding in place thereof. Rights of action preserved.

17. Nothing herein contained shall affect the rights of holders of the \$23,000 preferred stock in the said company, in respect to the said stock or the dividends payable thereunder. Rights of stockholders preserved.

18. The mayor of the said corporation shall be *ex-officio* a director of the said company so long as the said corporation are the holders of at least ten thousand dollars of ordinary stock in said company. Mayor to be ex-officio a director.

19. Sections 59 to 67 inclusive of chapter 199 R.S.O. 1897, shall apply to the said company, provided that in determining the amount to be paid thereunder nothing shall be allowed for the value of any right, privilege or franchise to use the streets, squares and public places of the said city. Rev. Stat. c. 199, secs 59 to 67 inclusive to apply to company. Proviso.

20. The said company shall not be entitled to the benefits of sections 9 to 16 inclusive of this Act, until it has obtained the consent of the municipal corporation of said city, such consent to be by by-law and to be upon such terms and conditions as the by-law may provide. Company not entitled to benefits of s cs. 9 to 16 supra until consent of municipality obtained.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Brantford Gas
Company.

First Reading, 15th February, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

MR. BURT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 20.]

BILL.

[1899.

An Act to authorize and confirm a deed of agreement between The Toronto General Trusts Company and The Trusts Corporation of Ontario, and to unite the said Companies under the name of The Toronto General Trusts Corporation.

WHEREAS the Toronto General Trusts Company and the Trusts Corporation of Ontario have by their petition prayed for an Act to authorize and confirm a deed of agreement between the said Companies and to unite the said Companies under the name of The Toronto General Trusts Corporation; and whereas the consent of the respective shareholders of the said Companies has been given in confirmation and ratification of the said Agreement and the terms thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The said two Companies are hereby amalgamated and united and declared to be a body corporate and politic under the name of The Toronto General Trusts Corporation.

2. The Deed of Agreement between the two Companies bearing date the 29th day of December, 1898, and ratified by the Shareholders of both Companies on the 30th December, 1898, and set out in Schedule A to this Act is hereby authorized, ratified and confirmed, and the union thereby effected

and all the terms thereof are hereby declared to be lawful' valid and operative to the same extent and in the same manner as if the several clauses of the said Deed of Agreement were set out and enacted as part of this Act, from and after the first day of April, 1899, if this Act shall have received the assent of the Lieutenant-Governor on or before that date and if not then upon the first day of the month commencing next after the date of such assent. 5

SCHEDULE A.

This Indenture made in triplicate this 29th day of December, 1898, between The Toronto General Trusts Company, hereinafter called the Toronto Company of the first part, and The Trusts Corporation of Ontario, hereinafter called the Ontario Company of the second part.

Whereas the parties hereto are corporations incorporated as to the Toronto Company by an Act of the Legislature of the Province of Ontario, and as to the Ontario Company by letters patent under the great seal of the said province, and are carrying on business in the said province with their respective headquarters in the City of Toronto as trust companies ;

And whereas the respective boards of directors of both the said parties have agreed that the amalgamation of the said corporations is in the best interest of both and a report of a joint committee of the respective boards of directors of the said parties containing the proposed terms upon which such amalgamation should take place has been ratified and adopted by the respective boards of directors of both the said parties;

And whereas a meeting of the respective shareholders of the parties of the first and second part has been called for the purpose of taking into consideration the question of the union of the said two companies upon the terms and conditions set forth in the report of the joint committee adopted by the directors as aforesaid and more fully set forth herein, which meetings are to be held on the 30th day of December, instant, at twelve o'clock noon ;

And whereas it is necessary that the union of the said Companies and the terms of this deed should be authorized, ratified and confirmed by the Legislature of the said Province ;

And whereas it is expedient that the said amalgamation should take place ;

Now therefore this indenture witnesseth that the said two companies parties hereto and their respective boards of directors do hereby agree each with the other as follows, that is to say :—

ARTICLE 1.

Upon the adoption of this agreement by the respective shareholders of the said parties hereto in the method herein provided and the authorization and ratification hereof of the passing of an Act in that behalf by the Legislature of the Province of Ontario this deed shall come into effect and the parties hereto namely The Toronto General Trusts Company and The Trusts Corporation of Ontario shall become united, amalgamated and consolidated, and shall form one corporation under the name of "The Toronto General Trusts Corporation," which Company shall have a common seal and shall possess all rights, privileges and franchises of each of the said two companies, and the words "the Company" in succeeding articles shall mean the united or amalgamated corporation.

ARTICLE 2.

All and singular the business property, real and personal, and all rights and incidents appurtenant thereto all stock, mortgages and other securities, and all other debts and obligations due on whatever account, and all choses in action of every description belonging to the said two companies, the parties hereto, or either of them, shall become vested in and they are hereby granted, assigned, transferred and set over to the Company subject, however, to all liens, if any, upon the property of either of the parties hereto, and to the respective debts, liabilities and duties of the said parties respectively.

ARTICLE 3.

All trusts of every description whether complete or inchoate and all and every duty assumed by either of the said parties are hereby transferred to and vested in the Company as fully and effectually as if the Company had been originally named as trustee, executor, administrator, assignee, guardian, committee, liquidator or agent in the deed or instrument of creation or judgment or order of any court, and any trust or duty now vested in either of the said parties hereto is hereby transferred to and vested in the Company.

ARTICLE 4.

Whenever in any will or any other testamentary document, or in any deed, mortgage, indenture or instrument of appointment or in any other way any estate, moneys or other property is intended at the time or times of the publishing, making or signing any such document thereafter to be vested in, administered or managed by, or put in the charge as guardian or otherwise of either of the parties hereto, the name of the Company shall be considered as substituted for either or both of the said parties, and such will, testamentary disposition, deed, mortgage, indenture, or instrument of appointment or other document shall vest the subject matter therein described in the Company according to the tenor of and at the time indicated or intended by any such will, testamentary document, deed, mortgage, indenture or instrument of appointment or other document the intention being that the Company shall not be considered for the purposes aforesaid as a new corporation but shall be taken to be a continuation of the corporate existence of both the parties hereto and standing as to all such matters in the place and stead of either or both the said parties.

ARTICLE 5.

The capital stock of the Company shall be \$1,000,000 divided into 10,000 shares of \$100 each.

ARTICLE 6.

The financial basis of union shall be as follows the figures given being those agreed upon by the said joint committee:—

The paid up capital and surplus funds of the Toronto Company has been ascertained and fixed at the sum of.....\$550,000 which is to be disposed of as follows:—

There is to be set apart as a contingent fund to meet all shrinkage in values and losses as estimated the sum of.....	\$140,000	
There is to be set apart and carried to the reserve fund of the Company the sum of.....	82,000	
and the residue is to be the net sum for which stock in the Company is to be issued to the shareholders of the Toronto Company, namely	328,000	550,000

The paid up capital and surplus funds of the Ontario Company has been ascertained and fixed at the sum of		\$228,000
which is to be disposed of as follows .		
There is to be set apart as a contingent fund to meet all shrinkage and losses as estimated the sum of	\$ 23,000	
There is to be set apart and carried to the reserve fund of the company the sum of	41,000	
and the residue is to be the net sum for which stock in the Company is to be issued to the shareholders of the Ontario Company, name'y	164,000	228,000

These figures are ascertained and fixed as of the 30th day of November 1898, and do not include profits earned as to the Toronto Company from the 31st day of March 1898, and as to the Ontario Company from the 31st December, 1897, and out of the net profits of both Companies the usual dividends are to be deducted and the surplus of all net profits over such dividends shall be the profits of the Company.

ARTICLE 7.

The capital of the Company and its reserve fund is to be made up as follows :—

Surplus to shareholders in the Toronto Company as ascertained by the joint committee after deducting contingent fund	\$410,000	
Surplus to the shareholders in the Ontario Company as ascertained by the joint committee after deducting contingent fund	205,000	
Five thousand and eighty new shares to be allotted and issued at a premium of 25 per cent. and to be called up in full	635,000	
		\$1,250,000
Paid up capital	\$1,000,000	
Reserve :—		
Paid by Toronto Company	82,000	
Paid by Ontario Company	41,000	
Paid by premium on new stock	127,000	
		\$1,250,000

ARTICLE 8.

Adjustment with Shareholders.

Each shareholder in the Toronto Company shall be entitled to paid up shares in the Company amounting in face value to \$131½ for each paid up \$100 in the stock which he holds in the Toronto Company, and each shareholder in the Ontario Company shall be entitled to paid up shares in the company amounting in face value to \$82 for each paid up \$100 in the stock which he holds in the Ontario Company.

The Company shall adjust fractions of shares at the option of the shareholder who is to be paid or is to pay for the fraction of a share at par with the share of reserve added. That is to say : the shareholder elect-

ing to pay for the fraction required to make up a share is to pay at the rate of \$125 per \$100, and the Company are in case the shareholder elects to accept payment for the fraction to pay therefor at the same rate.

And the said shareholders of the said parties respectively shall each become and they are each hereby declared to be shareholders in the Company for the number of shares to be ascertained and allotted as above.

ARTICLE 9.

To or from the 5,080 new shares to be issued shall be added or deducted any shares remaining or requiring to be allotted in the adjustment of fractional shares with the shareholders of either of the parties, and the number of new shares as so increased or reduced shall be allotted to the shareholders in the Company as nearly as may be (avoiding fractions) in proportion to their respective holding at the rate of \$125 for each \$100 shares, such shares to be paid for as follows: Upon each share within ten days from allotment \$15, and each two months thereafter \$10 per share, until the whole \$125 per share is fully paid and satisfied and thereupon and whenever the whole of the said capital stock of \$1,000,000 and the said reserve fund of \$250,000 is fully made up and paid as herein provided, the shareholders and each of them shall be freed and discharged from all or any further liability either to the Company or to its creditors in respect of their previous holdings of shares, or in respect of their shares in the Company.

Any such shares, the allotment of which is not accepted by any shareholder or which, by forfeiture by resolution of the directors for non-payment of calls, remain unissued or revert to the Company, may be allotted in the discretion of the directors to other shareholders willing to accept the same, or may by the order of the directors be issued to the public.

ARTICLE 10.

The affairs of the Company shall be managed by a board of twenty-seven directors. Such number may be increased by by-law or by-laws of the directors to any number not exceeding thirty, and such number may be reduced to not less than fifteen by by-law or by-laws of the directors or by non-election where vacancies occur from time to time, and where vacancies occur the directors shall have power to appoint any shareholder to fill such vacancies, such appointment to hold good until a new general election of directors takes place at a meeting of shareholders.

ARTICLE 11.

The first directors of "The Company" shall be:—

John Hoskin, Q.C., LL.D.	Toronto
The Hon. S. C. Wood	"
W. H. Beatty	"
Samuel Alcorn	"
John Bell, Q.C.	Belleville
John L. Blaikie	Toronto
W. R. Brock	"
J. W. Digby, M.D.	Brantford
B. Homer Dixon	Toronto
J. J. Foy, Q.C.	"
George Gooderham	"
William Hendrie	Hamilton
H. S. Howland	Toronto
Emelus Irving, Q.C.	"
Robert Jaffray	"
J. J. Kenney	"
J. W. Langmuir	"

A. B. Lee.....	Toronto
Thomas Long.....	"
W. D. Matthews.....	"
E. A. Meredith LL.D.....	"
Hon. Peter McLaren.....	Perth
E. B. Osler, M.P.....	Toronto
The Hon. Sir, Frank Smith, Kt. P. C.....	"
J. J. Scott, Q. C.....	"
T. Sutherland Stayner.....	"
B. E. Walker.....	"

Who shall hold office until the first general annual meeting of the shareholders of "The Company" which shall be held on the last Wednesday in February in each year.

John Hoskin, Q.C., LL.D., shall be the first president; The Hon. S. C. Wood shall be the first vice-president; W. H. Beatty shall be the first second vice-president; J. W. Langmuir shall be the first manager; A. E. Plummer shall be the first assistant manager and secretary of the said "Company," and A. D. Langmuir shall be the second assistant manager of the said "The Company."

ARTICLE 12.

The assent of the respective shareholders of the parties hereto to the terms of this indenture shall be signified as follows. This indenture shall be submitted to the shareholders and the vote thereon shall be taken by ballot and the assent of two thirds in value of the shareholders present or represented by proxy shall be required to confirm the agreement of union provided for herein.

ARTICLE 13.

All rights of creditors and cestuis que trustent to obtain payment of their claims out of the property, rights and assets of the Company party hereto liable for such claims, and all liens upon property, rights and assets of either of such Companies and all rights to have trusts duly administered shall be unimpaired by the union of said Companies, and all debts, contracts, liabilities, trusts and duties of either of the said Companies shall thenceforth attach to "The Company" and be enforced against it to the same extent as if the said debts, contracts, liabilities, trusts and duties had been incurred or contracted by it. And until the said capital stock paid up is made up to the sum of \$1,000,000 and the said reserve fund is made up to \$250,000 the shareholders of both the said Companies shall remain liable to the respective creditors and cestuis que trustent of the said respective Companies to the full extent of the amount unpaid upon their respective holdings of stock in the said Companies respectively.

ARTICLE 14.

No action or proceeding by or against the said Companies so united or either of them shall abate or be affected by such union, but for all purposes of such action or proceeding, such corporation may be deemed still to exist or "The Company" may be substituted in such action or proceeding in the place thereof.

ARTICLE 15.

All provisions of the Act of the Legislature of the Province of Ontario, 35 Victoria Cap. 83, incorporating The Toronto Company, and all the provisions of the Letters Patent under the Great Seal of the Province of Ontario relating thereto, namely the Letters Patent of the 7th day of

January, 1885, of the 15th day of July, 1887, of the 2nd day of June, 1888, of the 1st day of May, 1889, and of the 13th day of December, 1897 ; and of the Order of the Lieutenant-Governor in Council of the 10th day of March, 1882, relating to the said Company, and all other Statutes, Orders in Council and Letters Patent relating to The Toronto Company are hereby declared to relate to "The Company" and to be binding upon the said united Company except in so far as any of the provisions of the said Act of incorporation and Letters Patent are altered or superseded hereby.

ARTICLE 16.

The Letters Patent under the Great Seal of the Province of the 27th day of December, 1888, and the Order of the Lieutenant-Governor in Council of the 8th day of May, 1889, and all Statutes (if any) and other Orders in Council and Letters Patent relating to the said Ontario Company are hereby declared to relate to "The Company" and to be binding upon the said united Company except in so far as any of the said Statutes (if any) and Letters patent are altered or superseded hereby.

ARTICLE 17.

The by-laws of The Toronto Company shall govern "The Company" except so far as the same may be altered by any of the terms hereof until the same are altered or changed or new by-laws are passed by the Directors of "The Company."

ARTICLE 18.

In witness whereof the said parties have affixed their respective Corporate Seals and attached hereto the signatures of their respective Presidents and Managers.

Signed, sealed and delivered
in triplicate on the day and
year first above mentioned in
the presence of

"John Hoskin"
President
"J. W. Langmuir,"
Managing Director.



"Hugh Spence."

"J. C. Aikins,"
President.
"A. E. Plummer,"
Manager.



No. 20.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

The Toronto General Trusts Co. and The
Trusts Corporation of Ontario.

First Reading.

1899.

(Private Bill.)

Mr. PARDEE.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 20.]

BILL

[1899.

An Act to authorize and confirm a deed of agreement between The Toronto General Trusts Company and The Trusts Corporation of Ontario, and to unite the said Companies under the name of The Toronto General Trusts Corporation.

WHEREAS the Toronto General Trusts Company and the Trusts Corporation of Ontario have by their petition prayed for an Act to authorize and confirm a deed of agreement between the said Companies and to unite the said Companies under the name of The Toronto General Trusts Corporation; and whereas the consent of the respective shareholders of the said Companies has been given in confirmation and ratification of the said Agreement and the terms thereof; and whereas the committee charged with the superintendence of court funds have assented to the said amalgamation; and whereas no cestue que trust or person interested as a creditor has offered any opposition to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The said two Companies are hereby amalgamated and united and declared to be a body corporate and politic under the name of The Toronto General Trusts Corporation. Companies amalgamated.

2. The Deed of Agreement between the two Companies Agreement confirmed.

bearing date the 29th day of December, 1898, and ratified by the Shareholders of both Companies on the 30th December, 1898, and set out in Schedule A to this Act is hereby authorized, ratified and confirmed, and the union thereby effected and all the terms thereof are hereby declared to be lawful, valid and operative to the same extent and in the same manner as if the several clauses of the said Deed of Agreement were set out and enacted as part of this Act, from and after the first day of April, 1899, if this Act shall have received the assent of the Lieutenant-Governor on or before that date and if not then upon the first day of the month commencing next after the date of such assent.

Directors.  **3.** The directors named in Article 11 of the Agreement, Schedule A hereto, who shall be living at the time this Act shall come into force shall be the first directors of the amalgamated company.

Reserve fund.  **4.** Until the reserve fund of the said company is made up to \$750,000, no larger dividend shall be declared or paid by the company to the shareholders thereof than at the rate of seven and one-half per cent. per annum, being at the rate of six per cent. on the capital and the twenty-five per cent. reserve, and all profits over and above dividends at the said rate, and any sums which may be charged to contingent or suspense account shall be carried to the reserve fund of the company until that fund is made up to the said sum of \$750,000. .

Voting power.  **5.** No shareholder of the said company shall vote on more than one hundred shares either by himself or by proxy, and no shareholder shall on his own shares or on any shares which he holds as trustee, executor, or administrator, vote on more than two hundred shares; and no shareholder shall transfer any shares to any person to hold as trustee for him so as to increase his voting power, and any shares so transferred shall be counted for the purpose of any scrutiny of votes as if such shares were in the name of the true owner; but any shareholder may cast the votes that any other person is entitled to by proxy duly executed before one witness and deposited with the manager at least two days before any meeting of shareholders. 

SCHEDULE A.

This Indenture made in triplicate this 29th day of December, 1898, between The Toronto General Trusts Company, hereinafter called the Toronto Company of the first part, and The Trusts Corporation of Ontario, hereinafter called the Ontario Company of the second part.

Whereas the parties hereto are corporations incorporated as to the Toronto Company by an Act of the Legislature of the Province of Ontario, and as to the Ontario Company by letters patent under the great seal of the said

province, and are carrying on business in the said province with their respective headquarters in the City of Toronto as trust companies :

And whereas the respective boards of directors of both the said parties have agreed that the amalgamation of the said corporations is in the best interest of both and a report of a joint committee of the respective boards of directors of the said parties containing the proposed terms upon which such amalgamation should take place has been ratified and adopted by the respective boards of directors of both the said parties;

And whereas a meeting of the respective shareholders of the parties of the first and second part has been called for the purpose of taking into consideration the question of the union of the said two companies upon the terms and conditions set forth in the report of the joint committee adopted by the directors as aforesaid and more fully set forth herein, which meetings are to be held on the 30th day of December, instant, at twelve o'clock noon ;

And whereas it is necessary that the union of the said Companies and the terms of this deed should be authorized, ratified and confirmed by the Legislature of the said Province ;

And whereas it is expedient that the said amalgamation should take place ;

Now therefore this indenture witnesseth that the said two companies parties hereto and their respective boards of directors do hereby agree each with the other as follows, that is to say :—

ARTICLE 1.

Upon the adoption of this agreement by the respective shareholders of the said parties hereto in the method herein provided and the authorization and ratification hereof by the passing of an Act in that behalf by the Legislature of the Province of Ontario this deed shall come into effect and the parties hereto namely The Toronto General Trusts Company and The Trusts Corporation of Ontario shall become united, amalgamated and consolidated, and shall form one corporation under the name of "The Toronto General Trusts Corporation," which Company shall have a common seal and shall possess all rights, privileges and franchises of each of the said two companies, and the words "the Company" in succeeding articles shall mean the united or amalgamated corporation.

ARTICLE 2.

All and singular the business property, real and personal, and all rights and incidents appurtenant thereto all stock, mortgages and other securities, and all other debts and obligations due on whatever account, and all choses in action of every description belonging to the said two companies, the parties hereto, or either of them, shall become vested in and they are hereby granted, assigned, transferred and set over to the Company subject, however, to all liens, if any, upon the property of either of the parties hereto, and to the respective debts, liabilities and duties of the said parties respectively.

ARTICLE 3.

All trusts of every description whether complete or inchoate and all and every duty assumed by either of the said parties are hereby transferred to and vested in the Company as fully and effectually as if the Company had been originally named as trustee, executor administrator, assignee, guardian, committee, liquidator or agent in the deed or instrument of creation or judgment or order of any court, and any trust or duty now vested in either of the said parties hereto is hereby transferred to and vested in the Company.

ARTICLE 4.

Whenever in any will or any other testamentary document, or in any deed, mortgage, indenture or instrument of appointment or in any other

way any estate, moneys or other property is intended at the time or times of the publishing, making or signing any such document thereafter to be vested in, administered or managed by, or put in the charge as guardian or otherwise of either of the parties hereto, the name of the Company shall be considered as substituted for either or both of the said parties, and such will, testamentary disposition, deed, mortgage, indenture, or instrument of appointment or other document shall vest the subject matter therein described in the Company according to the tenor of and at the time indicated or intended by any such will, testamentary document, deed, mortgage, indenture or instrument of appointment or other document the intention being that the Company shall not be considered for the purposes aforesaid as a new corporation but shall be taken to be a continuation of the corporate existence of both the parties hereto and standing as to all such matters in the place and stead of either or both the said parties.

ARTICLE 5.

The capital stock of the Company shall be \$1,000,000 divided into 10,000 shares of \$100 each.

ARTICLE 6.

The financial basis of union shall be as follows the figures given being those agreed upon by the said joint committee:—

The paid up capital and surplus funds of the Toronto Company has been ascertained and fixed at the sum of\$550,000 which is to be disposed of as follows:—

There is to be set apart as a contingent fund to meet all shrinkage in values and losses as estimated the sum of.....	\$140,000	
There is to be set apart and carried to the reserve fund of the Company the sum of.....	82,000	
and the residue is to be the net sum for which stock in the Company is to be issued to the shareholders of the Toronto Company, namely	328,000	550,000
The paid up capital and surplus funds of the Ontario Company has been ascertained and fixed at the sum of		\$228,000
which is to be disposed of as follows:—		
There is to be set apart as a contingent fund to meet all shrinkage and losses as estimated the sum of.....	\$ 23,000	
There is to be set apart and carried to the reserve fund of the company the sum of.....	41,000	
and the residue is to be the net sum for which stock in the Company is to be issued to the shareholders of the Ontario Company, name'y	164,000	228,000

These figures are ascertained and fixed as of the 30th day of November 1898, and do not include profits earned as to the Toronto Company from the 31st day of March 1898, and as to the Ontario Company from the 31st December, 1897, and out of the net profits of both Companies the usual dividends are to be deducted and the surplus of all net profits over such dividends shall be the profits of the Company.

ARTICLE 7.

The capital of the Company and its reserve fund is to be made up as follows :—

Surplus to shareholders in the Toronto Company as ascertained by the joint committee after deducting contingent fund.....	\$410,000
Surplus to the shareholders in the Ontario Company as ascertained by the joint committee after deducting contingent fund	205,000
Five thousand and eighty new shares to be allotted and issued at a premium of 25 per cent. and to be called up in full.....	635,000
	\$1,250,000
Paid up capital.....	\$1,000,000
Reserve :—	
Paid by Toronto Company.....	82,000
Paid by Ontario Company.....	41,000
Paid by premium on new stock	127,000
	\$1,250,000

ARTICLE 8.

Adjustment with Shareholders.

Each shareholder in the Toronto Company shall be entitled to paid up shares in the Company amounting in face value to \$131½ for each paid up \$100 in the stock which he holds in the Toronto Company, and each shareholder in the Ontario Company shall be entitled to paid up shares in the company amounting in face value to \$82 for each paid up \$100 in the stock which he holds in the Ontario Company.

The Company shall adjust fractions of shares at the option of the shareholder who is to be paid or is to pay for the fraction of a share at par with the share of reserve added. That is to say : the shareholder electing to pay for the fraction required to make up a share is to pay at the rate of \$125 per \$100, and the Company are in case the shareholder elects to accept payment for the fraction to pay therefor at the same rate.

And the said shareholders of the said parties respectively shall each become and they are each hereby declared to be shareholders in the Company for the number of shares to be ascertained and allotted as above.

ARTICLE 9.

To or from the 5,080 new shares to be issued shall be added or deducted any shares remaining or requiring to be allotted in the adjustment of fractional shares with the shareholders of either of the parties, and the number of new shares as so increased or reduced shall be allotted to the shareholders in the Company as nearly as may be (avoiding fractions) in proportion to their respective holding at the rate of \$125 for each \$100 shares, such shares to be paid for as follows: Upon each share within ten days from allotment \$15, and each two months thereafter \$10 per share, until the whole \$125 per share is fully paid and satisfied and thereupon and whenever the whole of the said capital stock of \$1,000,000 and the said reserve fund of \$250,000 is fully made up and paid as herein provided, the shareholders and each of them shall be freed and discharged from all or any further liability either to the Company or to its creditors in respect of their previous holdings of shares, or in respect of their shares in the Company.

Any such shares, the allotment of which is not accepted by any shareholder or which, by forfeiture by resolution of the directors for non-pay-

ment of calls, remain unissued or revert to the Company, may be allotted in the discretion of the directors to other shareholders willing to accept the same, or may by the order of the directors be issued to the public.

ARTICLE 10.

The affairs of the Company shall be managed by a board of twenty-seven directors. Such number may be increased by by-law or by-laws of the directors to any number not exceeding thirty, and such number may be reduced to not less than fifteen by by-law or by-laws of the directors or by non-election where vacancies occur from time to time, and where vacancies occur the directors shall have power to appoint any shareholder to fill such vacancies, such appointment to hold good until a new general election of directors takes place at a meeting of shareholders.

ARTICLE 11.

The first directors of "The Company" shall be :—

John Hoskin, Q.C., LL.D.	Toronto
The Hon. S. C. Wood	"
W. H. Beatty	"
Samuel Alcorn	"
John Bell, Q. C.	Belleville
John L. Blaikie	Toronto
W. R. Brock	"
J. W. Digby, M. D.	Brantford
B. Homer Dixon	Toronto
J. J. Foy, Q.C.	"
George Gooderham	"
William Hendrie	Hamilton
H. S. Howland	Toronto.
Æmelius Irving, Q. C.	"
Robert Jaffray	"
J. J. Kenney	"
J. W. Langmuir	"
A. B. Lee	"
Thomas Long	"
W. D. Matthews	"
E. A. Meredith, LL. D.	"
Hon. Peter McLaren	Perth
E. B. Osler, M.P.	Toronto
The Hon. Sir, Frank Smith, Kt. P. C.	"
J. J. Scott Q. C.	"
T. Sutherland Stayner	"
B. E. Walker	"

Who shall hold office until the first general annual meeting of the shareholders of "The Company" which shall be held on the last Wednesday in February in each year.

John Hoskin, Q.C., LL.D., shall be the first president ; The Hon. S. C. Wood shall be the first vice-president ; W. H. Beatty shall be the first second vice-president ; J. W. Langmuir shall be the first manager ; A. E. Plummer shall be the first assistant manager and secretary of the said "Company," and A. D. Langmuir shall be the second assistant manager of the said "The Company."

ARTICLE 12.

The assent of the respective shareholders of the parties hereto to the terms of this indenture shall be signified as follows. This indenture shall be submitted to the shareholders and the vote thereon shall be taken by ballot and the assent of two thirds in value of the shareholders present or represented by proxy shall be required to confirm the agreement of union provided for herein.

ARTICLE 13.

All rights of creditors and cestuis que trustent to obtain payment of their claims out of the property, rights and assets of the Company party hereto liable for such claims, and all liens upon property, rights and assets of either of such Companies and all rights to have trusts duly administered shall be unimpaired by the union of said Companies, and all debts, contracts, liabilities, trusts and duties of either of the said Companies shall thenceforth attach to "The Company" and be enforced against it to the same extent as if the said debts, contracts, liabilities, trusts and duties had been incurred or contracted by it. And until the said capital stock paid up is made up to the sum of \$1,000,000 and the said reserve fund is made up to \$250,000 the shareholders of both the said Companies shall remain liable to the respective creditors and cestuis que trustent of the said respective Companies to the full extent of the amount unpaid upon their respective holdings of stock in the said Companies respectively.

ARTICLE 14.

No action or proceeding by or against the said Companies so united or either of them shall abate or be affected by such union, but for all purposes of such action or proceeding, such corporation may be deemed still to exist or "The Company" may be substituted in such action or proceeding in the place thereof.

ARTICLE 15.

All provisions of the Act of the Legislature of the Province of Ontario, 35 Victoria Cap. 83, incorporating The Toronto Company, and all the provisions of the Letters Patent under the Great Seal of the Province of Ontario relating thereto, namely the Letters Patent of the 7th day of January, 1885, of the 15th day of July, 1887, of the 2nd day of June, 1888, of the 1st day of May, 1889, and of the 13th day of December, 1897, and of the Order of the Lieutenant-Governor in Council of the 10th day of March, 1852, relating to the said Company, and all other Statutes, Orders in Council and Letters Patent relating to The Toronto Company are hereby declared to relate to "The Company" and to be binding upon the said united Company except in so far as any of the provisions of the said Act of incorporation and Letters Patent are altered or superseded hereby.

ARTICLE 16.

The Letters Patent under the Great Seal of the Province of the 27th day of December, 1888, and the Order of the Lieutenant-Governor in Council of the 8th day of May, 1889, and all Statutes (if any) and other Orders in Council and Letters Patent relating to the said Ontario Company are hereby declared to relate to "The Company" and to be binding upon the said united Company except in so far as any of the said Statutes (if any) and Letters patent are altered or superseded hereby.

ARTICLE 17.

The by-laws of The Toronto Company shall govern "The Company" except so far as the same may be altered by any of the terms hereof until the same are altered or changed or new by-laws are passed by the Directors of "The Company."

ARTICLE 18.

In witness whereof the said parties have affixed their respective Cor-

porate Seals and attached hereto the signatures of their respective Presidents and Managers.

Signed, sealed and delivered } "John Hoskin,"
in triplicate on the day and } President.
year first above mentioned in } "J. W. Langmuir,"
the presence of } Managing Director.



"Hugh Spence."

"J. C. Aikins,"
President.
"A. E. Plummer,"
Manager.



2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to authorize and confirm a deed of agreement between The Toronto General Trusts Company and the Trusts Corporation of Ontario, and to unite the said Companies under the name of The Toronto General Trusts Corporation.

First Reading, 15th February, 1899.

(Reprinted as amended by Private Bills Committee.)

Mr. PARDEE.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to Consolidate the debt of the Town of
Mattawa.

WHEREAS the corporation of the Town of Mattawa has a Preamble.
total debenture debt of \$19,186.80; and whereas the
said corporation has incurred a floating debt of about \$5,813.-
20 in addition to the ordinary expenses, for the payment of
5 which there are no funds available; and whereas the pay-
ments to be made on account of the said debenture debts and
of the said floating debt would be unduly oppressive to the
ratepayers; and whereas the said corporation has by its
petition prayed that the said debenture debts and the said
10 floating debt may be consolidated and that it may be
authorized to issue debentures for that purpose; and whereas
the said petition has not been opposed; and whereas it is
expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advice and consent
15 of the Legislative Assmby of the Province of Ontario, enacts
as follows:—

1. The said debts of the said corporation of the Town of
Mattawa are hereby consolidated at the sum of \$25,000.00. Debts Consoli-
dated at.
\$25,000.

2. The said corporation of the Town of Mattawa may issue
20 debentures under its corporate seal signed by the mayor and
countersigned by the treasurer for the time being, for such
Power to issue
debentures for
\$25,000.
sums not less than \$100.00 each and not exceeding \$25,000.00

in the whole, as the said corporation may by by-law from time to time direct, and the principal sum of the said debentures and the interest thereon may be made payable at such place as the corporation in may deem expedient, and may be expressed either Sterling money of Great Britain or currency of Canada. 5

Raising money
on debentures.

3. The said corporation may raise by way of loan on the credit of the said debentures a sum not exceeding in the whole the sum of \$25,000.00, or may sell or dispose of the said debentures from time to time as they may deem expedient for the purposes of this Act.

10

Form of
Debentures.

4. The said debentures shall be made payable at such period not exceeding thirty years from the date thereof as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of interest thereon, and such interest shall be payable at such rate not exceeding five per cent. per annum as the said corporation shall direct, and shall be payable yearly.

15

Annual
amounts of
Debentures.

5. A portion of the said debentures to be issued under said Act shall be made payable in each year after the taking effect of the by-law or by-laws for a period not exceeding thirty years from the date thereof, and so that the aggregate amount payable for the principal and interest in any one year under any by-law shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debenture debt under such by-law is to be discharged.

20

Assent of
electors not
required.

6. It shall not be necessary to obtain the assent of the electors of the said Town of Mattawa for the passing of any by-law which shall be passed under the provisions of the Act, or to observe the formalities in relation thereto, prescribed by *The Municipal Act*; (and any provisions in the Act respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act).

30

Rev. Stat. 223

Irregularity
in form not to
invalidate.

7. No irregularity in the form of the said debentures, or any of them, or of any by-law authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and a purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

35

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-Law not to be repealed.

9. The said corporation may raise money by the sale or hypothecation of the said debentures and all moneys to arise therefrom shall be applied in payment of the said floating debts and in payment and redemption of the said debenture debts and for no other purpose whatsoever. Application of proceeds.

10. The debentures issued under this Act may be in the form contained in Schedule A. to this Act, and the by-law or by-laws authorizing the same and for the special rate for payment of interest may be in the form of Schedule B to this Act, or to the like effect. Form of debentures.
Form of by-law.

11. The said corporation may arrange with the holders, or any of them, for the purchase of the outstanding debentures, or any of them, or for the substitution of the debentures, authorized to be issued by this Act, for the outstanding debentures, or any of them, and the said corporation may issue the whole or a sufficient portion of the said debentures authorized to be issued under this Act to purchase or substitute for, as the case may be, any such debentures that may be purchased or arranged for. Calling in outstanding debentures.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Mattawa from any indebtedness or liability which may not be included in said debt. Indebtedness not discharged.

SCHEDULE A.

(Section 10.)

DEBENTURE.

Province of Ontario, Town of Mattawa.

No.

\$

Under and by virtue of an Act to consolidate the debt of the Town of Mattawa, passed by the Legislative Assembly of the Province of Ontario in the sixty-second year of the reign of Her Majesty Queen Victoria and chaptered _____ and by virtue of By-law No. _____ of the Corporation of the Town of Mattawa, passed under the provisions contained in the said Act, the Corporation of the Town of Mattawa promise to pay to the bearer at _____ in the Town of Mattawa, the sum of _____ on the _____ day of _____ A.D. _____ and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at Mattawa, in the District of Nipissing, this _____ day of _____ A.D. _____

Mayor.
Treasurer.

SCHEDULE B.

(Section 10.)

By-law No. _____ to authorize the issue of debentures under the authority of an Act to consolidate the debt of the Town of Mattawa.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$25,000 in the whole, as the Corporation of the Town of Mattawa may in pursuance of and in conformity with the provisions of the said Act, direct; and whereas for the purposes of the said Act it is necessary and expedient to issue debentures to the extent of \$ _____ payable _____ with interest thereon, at the rate of _____ per centum per annum, payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole rateable property of the said Town of Mattawa, according to the last revised assessment roll of the said Town being for the year one thousand eight hundred and ninety- _____ was \$ _____

Therefore the Municipal Corporation of the Town of Mattawa enacts as follows :

1. Debentures under the said Act, and for the purposes mentioned therein to the extent of the sum of \$ _____ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of _____ per centum per annum payable yearly on the _____ day of _____ in each year.

This by-law passed in open council this _____ day of _____ in the year of our Lord one thousand eight hundred and ninety _____

2nd Session, 9th Legislature, 62 Vict. 1899.

BILL.

An Act to Consolidate the debt of the
Town of Matawa

First Reading,	1899.
----------------	-------

(Private Bill.)

Mr. LOUGHRAN.

TORONTO,
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 21.]

BILL.

[1899

An Act to consolidate the debt of the Town of Mattawa.

WHEREAS the *municipal* corporation of the Town of Mat- Preamble.
tawa has a total debenture debt of \$19,186.80, ~~and~~ the par-
ticulars whereof are set forth in the schedule C hereto ~~and~~
whereas the said corporation has incurred a floating debt of
about \$5,813.20, ~~and~~ the said floating debt having arisen from
unforeseen expenses, including repairs to Mattawa River Bridge,
expenditures in and about the Contagious Hospital and
dumping ground, and in connection with the county town dis-
putes, ~~and~~ in addition to the ordinary expenses, for the payment
of which there are no funds available; and whereas the pay-
ments to be made on account of the said debenture debts and
of the said floating debt would be unduly oppressive to the
ratepayers; and whereas the said corporation has by its
petition prayed that the said debenture debts and the said
floating debt may be consolidated and that it may be
authorized to issue debentures for that purpose; and whereas
the said petition has not been opposed; and whereas it is
expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advice and consent
of the Legislative Assmby of the Province of Ontario, enacts
as follows:—

1. The said debts of the said corporation of the Town of Debts Consoli-
Mattawa are hereby consolidated at the sum of \$25,000.00. dated at
\$25,000.

Power to issue
debentures for
\$25,000.

2. The said corporation of the Town of Mattawa may issue debentures under its corporate seal signed by the mayor and countersigned by the treasurer for the time being, for such sums not less than \$100.00 each and not exceeding \$25,000.00 in the whole, as the said corporation may by by-law from time to time direct, and the principal sum of the said debentures and the interest thereon may be made payable at such place as the corporation in may deem expedient, and may be expressed either Sterling money of Great Britain or currency of Canada.

Raising money
on debentures.

3. The said corporation may raise by way of loan on the credit of the said debentures a sum not exceeding in the whole the sum of \$25,000.00, or may sell or dispose of the said debentures from time to time as they may deem expedient for the purposes of this Act.

Form of
Debentures.

4. The said debentures shall be made payable at such period not exceeding *twenty* years from the date thereof as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of interest thereon, and such interest shall be payable at such rate not exceeding five per cent. per annum as the said corporation shall direct, and shall be payable yearly.

Interest
coupons.

Annual
amounts of
Debentures.

5. A portion of the said debentures to be issued under said Act shall be made payable in each year after the taking effect of the by-law or by-laws for a period not exceeding *twenty* years from the date thereof, and so that the aggregate amount payable for the principal and interest in any one year under any by-law shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debenture debt under such by-law is to be discharged.

Assent of
electors not
required.

6. It shall not be necessary to obtain the assent of the electors of the said Town of Mattawa for the passing of any by-law which shall be passed under the provisions of the Act, or to observe the formalities in relation thereto, prescribed by *The Municipal Act*; (and any provisions in the Act respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act).

Rev. Stat. 223

Irregularity
in form not to
invalidate.

7. No irregularity in the form of the said debentures, or any of them, or of any by-law authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and a purchaser

or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-Law not to be repealed.

9. The said corporation may raise money by the sale or hypothecation of the said debentures and all moneys to arise therefrom shall be applied in payment of the said floating debts and in payment and redemption of the said debentures and for any other purpose over what Application of proceeds.

10. The debentures issued under this Act may be in the form contained in Schedule A. to this Act, and the by-law or by-laws authorizing the same and for the special rate for payment of interest may be in the form of Schedule B to this Act, or to the like effect. Form of debentures. Form of by-law.

11. The said corporation may arrange with the holders, or any of them, for the purchase of the outstanding debentures, or any of them, or for the substitution of the debentures, authorized to be issued by this Act, for the outstanding debentures, or any of them, and the said corporation may issue the whole or a sufficient portion of the said debentures authorized to be issued under this Act to purchase or substitute for, as the case may be, any such debentures that may be purchased or arranged for. Calling in outstanding debentures.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Mattawa from any indebtedness or liability which may not be included in said debt. Indebtedness not discharged.

SCHEDULE A.

(Section 10.)

DEBENTURE.

Province of Ontario, Town of Mattawa.

No.

\$

Under and by virtue of an Act to consolidate the debt of the Town of Mattawa, passed by the Legislative Assembly of the Province of Ontario in the sixty-second year of the reign of Her Majesty Queen Victoria and chaptered _____ and by virtue of By-law No. _____ of the Corporation of the Town of Mattawa, passed under the provisions contained in the said Act, the Corporation of the Town of Mattawa promise to pay to the bearer at _____ in the Town of Mattawa, the sum of _____ on the _____ day of _____ A.D. and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at Mattawa, in the District of Nipissing, this _____ day of _____ A.D.

Mayor.
Treasurer.

SCHEDULE B.

(Section 10.)

By-law No. _____ to authorize the issue of debentures under the authority of an Act to consolidate the debt of the Town of Mattawa.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$25,000 in the whole, as the Corporation of the Town of Mattawa may in pursuance of and in conformity with the provisions of the said Act, direct; and whereas for the purposes of the said Act, it is necessary and expedient to issue debentures to the extent of \$ _____ payable _____ with interest thereon, at the rate of _____ per centum per annum, payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole rateable property of the said Town of Mattawa, according to the last revised assessment roll of the said Town being for the year one thousand eight hundred and ninety- _____ was \$ _____

Therefore the Municipal Corporation of the Town of Mattawa enacts as follows:

1. Debentures under the said Act, and for the purposes mentioned therein to the extent of the sum of \$ _____ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of _____ per centum per annum payable yearly on the _____ day of _____ in each year.

This by-law passed in open council this _____ day of _____ in the year of our Lord one thousand eight hundred and ninety- _____

 SCHEDULE C.

Report of the debts of the municipality of the Town of Mattawa for the year ending December 31st, 1898 :—

Title or description of debt.	Original amount of debt.	Balance of principal unpaid in 1898	Totals
1. Street improvement.....	\$6,000	\$4,267.38	
2. Fire protection.....	4,000	4,000.00	
3. Contagious hospital	4,000	3,415.50	
4. Park bridge and fire protection.	8,000	7,503.92	
			\$19,186.80

The floating debt consists of some unforeseen expenses, such as repairs to Mattawa River Bridge and expenses in and about Contagious Hospital and dumping ground, the county town expenses which were about \$4,000 and kept afloat, having been partially paid and the total liabilities have been brought up to the sum named.....

5,813.20

 \$25,000.00


No. 21.

2nd Session, 9th Legislature, 62 Vict. 1899.

BILL.

An Act to Consolidate the debt of the
Town of Mattawa.

First Reading, 15th February, 1899.

(*Reprinted as amended in Private Bills
Committee.*)

MR. LOUGHRAN.

TORONTO,

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 21.]

BILL.

[1899

An Act to consolidate the debt of the Town of Mattawa.

WHEREAS the *municipal* corporation of the Town of Mattawa *has by petition represented that the said corporation* has a total debenture debt of \$19,186.80, *and* the particulars whereof are set forth in the schedule C hereto *and* has incurred a floating debt of about \$5,813.20, *and* the said floating debt having arisen from unforeseen expenses, including repairs to Mattawa River Bridge, expenditures in and about the Contagious Hospital and dumping ground, and in connection with the county town disputes, *and* in addition to the ordinary expenses, for the payment of which there are no funds available; and whereas *it has been urged that* the payments to be made on account of the said debenture debts and of the said floating debt would be unduly oppressive to the ratepayers, and the said corporation has prayed that the said debenture debts and the said floating debt may be consolidated *and authority given* to issue debentures for that purpose; and whereas the said petition has not been opposed; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the said corporation of the Town of Mattawa are hereby consolidated at the sum of \$25,000.00. Debts Consolidated at \$25,000.

Power to issue
debentures for
\$25,000.

2. The said corporation of the Town of Mattawa may issue debentures under its corporate seal signed by the mayor and countersigned by the treasurer for the time being, for such sums not less than \$100.00 each and not exceeding \$25,000.00 in the whole, as the said corporation may by by-law from time to time direct, and the principal sum of the said debentures and the interest thereon may be made payable at such place as the corporation in may deem expedient, and may be expressed either Sterling money of Great Britain or currency of Canada.

Raising money
on debentures.

3. The said corporation may raise by way of loan on the credit of the said debentures a sum not exceeding in the whole the sum of \$25,000.00, or may sell or dispose of the said debentures from time to time as they may deem expedient for the purposes of this Act.

Form of
Debentures.

4. The said debentures shall be made payable at such period not exceeding *thirty* years from the date thereof as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of interest thereon, and such interest shall be payable at such rate not exceeding five per cent. per annum as the said corporation shall direct, and shall be payable yearly.

Interest
coupons.

Annual
amounts of
Debentures.

5. A portion of the said debentures to be issued under said Act shall be made payable in each year after the taking effect of the by-law or by-laws for a period not exceeding *thirty* years from the date thereof, and so that the aggregate amount payable for the principal and interest in any one year under any by-law shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debenture debt under such by-law is to be discharged.

Assent of
electors not
required.

6. It shall not be necessary to obtain the assent of the electors of the said Town of Mattawa for the passing of any by-law which shall be passed under the provisions of the Act, or to observe the formalities in relation thereto, prescribed by *The Municipal Act*; and any provisions in the Act respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act.

Rev. Stat. 223

Irregularity
in form not to
invalidate.

7. No irregularity in the form of the said debentures, or any of them, or of any by-law authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and a purchaser

or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-Law not to be repealed.

9. The said corporation may raise money by the sale or hypothecation of the said debentures and all moneys to arise therefrom shall be applied in payment of the said floating debts and in payment and redemption of the said debenture debts and for other purposes over what Application of proceeds.

10. The debentures issued under this Act may be in the form contained in Schedule A. to this Act, and the by-law or by-laws authorizing the same and for the special rate for payment of interest may be in the form of Schedule B to this Act, or to the like effect. Form of debentures. Form of by-law.

11. The said corporation may arrange with the holders, or any of them, for the purchase of the outstanding debentures, or any of them, or for the substitution of the debentures, authorized to be issued by this Act, for the outstanding debentures, or any of them, and the said corporation may issue the whole or a sufficient portion of the said debentures authorized to be issued under this Act to purchase or substitute for, as the case may be, any such debentures that may be purchased or arranged for. Calling in outstanding debentures.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Mattawa from any indebtedness or liability which may not be included in said debt. Indebtedness not discharged.

SCHEDULE A.

(Section 10.)

DEBENTURE.

Province of Ontario, Town of Mattawa.

No.

\$

Under and by virtue of an Act to consolidate the debt of the Town of Mattawa, passed by the Legislative Assembly of the Province of Ontario in the sixty-second year of the reign of Her Majesty Queen Victoria and chaptered _____ and by virtue of By-law No. _____ of the Corporation of the Town of Mattawa, passed under the provisions contained in the said Act, the Corporation of the Town of Mattawa promise to pay to the bearer at _____ in the Town of Mattawa, the sum of _____ on the _____ day of _____ A.D. and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at Mattawa, in the District of Nipissing, this _____ day of _____ A.D.

Mayor.

Treasurer.

SCHEDULE B.

(Section 10.)

By-law No. _____ to authorize the issue of debentures under the authority of an Act to consolidate the debt of the Town of Mattawa.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$25,000 in the whole, as the Corporation of the Town of Mattawa may in pursuance of and in conformity with the provisions of the said Act, direct; and whereas for the purposes of the said Act, it is necessary and expedient to issue debentures to the extent of \$ _____ payable with interest thereon, at the rate of _____ per centum per annum, payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole rateable property of the said Town of Mattawa, according to the last revised assessment roll of the said Town being for the year one thousand eight hundred and ninety- _____ was \$ _____

Therefore the Municipal Corporation of the Town of Mattawa enacts as follows:

1. Debentures under the said Act, and for the purposes mentioned therein to the extent of the sum of \$ _____ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of _____ per centum per annum payable yearly on the _____ day of _____ in each year.

This by-law passed in open council this _____ day of _____ in the year of our Lord one thousand eight hundred and ninety- _____

 SCHEDULE C.

Report of the debts of the municipality of the Town of Mattawa for the year ending December 31st, 1898 :—

Title or description of debt.	Original amount of debt.	Balance of principal unpaid in 1898	Totals
1. Street improvement.....	\$6,000	\$4,267.38	
2. Fire protection.....	4,000	4,000.00	
3. Contagious hospital	4,000	3,415.50	
4. Park bridge and fire protection.	8,000	7,503.92	
			\$19,186.80
The floating debt consists of some unforeseen expenses, such as repairs to Mattawa River Bridge and expenses in and about Contagious Hospital and dumping ground, the county town expenses which were about \$4,000 and kept afloat, having been partially paid and the total liabilities have been brought up to the sum named.....			5,813.20
			\$25,000.00



2nd Session, 9th Legislature, 62 Vict. 1899.

BILL.

An Act to consolidate the debt of the
Town of Matawa.

First Reading, 15th February, 1899.
Second Reading, 6th March, 1899.

*(Reprinted as amended in Committee of
the Whole House.)*

Mr. LOUGHRAN.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting the Hamilton Young Women's
Christian Association and Technical Institute.

WHEREAS "The Hamilton Young Women's Christian Association" have, by their petition, prayed for the passing of an Act of Incorporation giving them fuller powers than they now possess, and that the name of the said corporation may be changed to "The Hamilton Young Women's Christian Association and Technical Institute"; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporate name of the said "The Hamilton Young Women's Christian Association" is hereby changed to "The Hamilton Young Women's Christian Association and Technical Institute," and the said corporation shall be hereafter known and called "The Hamilton Young Women's Christian Association and Technical Institute," and all the real and personal estate, property, assets and effects, and all present and future grants, devises, legacies or bequests, and all titles, securities and instruments, and all rights, claims and liabilities in favor of or against the said "The Hamilton Young Women's Christian Association" shall vest in and shall enure to or against the said "The Hamilton Young Women's Christian Association and Technical Institute" as fully and effectually to all

Change of
corporate
name.

intents and purposes as they now are vested in or enure to or against or might enure to the said "The Hamilton Young Women's Christian Association" as originally constituted.

Authority to
buy, sell and
mortgage.

2. The said corporation shall have power from time to time, and so often as they shall deem expedient, to sell, alienate, 5
lease dispose of, convey and mortgage the real and personal property of the said corporation, and to purchase and acquire such real and personal property as they may require for the purposes of the said corporation.

Authority to
receive gifts

3. The said corporation shall from time to time have power 10
to receive contributions and donations for the purposes or objects of the said corporation, and from time to time to take or hold by gift, devise, bequest or purchase any real or personal property for the purposes of the said corporation.

Technical
education.

4. The said corporation shall have power to establish a sys- 15
tem of technical education including such branches in domestic science and the development of such of the industrial arts as the board of directors of said corporation may from time to time determine.

Authority to
make by-laws.

5. The said corporation shall have power from time to time 20
to make such by-laws, rules and regulations for the government of the affairs of the corporation, and to repeal and amend the same as they may think necessary or expedient.

Negotiable
instruments.

6. Every contract, agreement, engagement, or bargain made and every bill of exchange drawn, accepted or endorsed, and 25
every promissory note and cheque made, drawn or endorsed on behalf of the said corporation by any agent, officer or servant of the corporation, in general accordance with his powers as such under the by-laws of the corporation, shall be binding upon the corporation, and in no case shall it be necessary to 30
have the seal of the corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note, or cheque, or to prove that the same was made, drawn, accepted or endorsed as the case may be, in pursuance of any by-law or special vote or order; nor shall the party so acting 35
as agent, officer or servant of the corporation be thereby subjected individually to any liability whatsoever to any third party therefor.

(2) Nothing in this section shall be construed to authorize the corporation to issue any note payable to the bearer thereof, 40
or any promissory note intended to be circulated as money, or as the note of a bank.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act respecting The Hamilton Young
Women's Christian Association and Tech-
nical Institute.

First Reading, , 1899.

(Private Bill)

Mr. CARSCALEN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting the Hamilton Young Women's
Christian Association and Technical Institute.

WHEREAS "The Hamilton Young Women's Christian Association" have, by their petition ^{Preamble.} represented that the said association was incorporated on the 8th day of December, 1891, under chapter 172 of the Revised Statutes of Ontario, 1887, intituled *An Act respecting Benevolent, Provident, and other Societies*, and by their said petition have asked for an Act giving them fuller powers than they now possess, and that the name of the said corporation may be changed to "The Hamilton Young Women's Christian Association and Technical Institute"; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The incorporation of the said association or corporation is hereby confirmed and the corporate name thereof is hereby changed to "The Hamilton Young Women's Christian Association and Technical Institute," and the said corporation shall be hereafter known and called "The Hamilton Young Women's Christian Association and Technical Institute," and all the real and personal estate, property, assets and effects, and all present and future grants, devises, legacies or bequests, and all titles, securities and instruments, and all rights, claims and liabilities in favor of or

Change of
corporate
name.

against the said "The Hamilton Young Women's Christian Association" shall vest in and shall enure to or against the said "The Hamilton Young Women's Christian Association and Technical Institute" as fully and effectually to all intents and purposes as they now are vested in or enure to or against or might enure to the said "The Hamilton Young Women's Christian Association" as originally constituted.

Power to acquire and hold land and invest moneys derived from sale thereof.

2. For the actual use and occupation of the said corporation for the purposes thereof the said corporation may hold lands, tenements or interests therein acquired by gift, devise, bequest or purchase not exceeding in the whole at any one time the annual value of \$10,000, and the said corporation may also hold further lands, tenements or interests therein acquired by gift, devise or bequest not required for the actual use and occupation of the said corporation for the purposes thereof not exceeding the annual value of \$10,000, but such last mentioned lands, tenements or interests therein shall not be held for a period longer than seven years from the acquisition thereof, and within that period they shall be absolutely disposed of by the said corporation, and such lands, tenements or interests therein, as have not within the said period been so disposed of shall revert to the person from whom the same were acquired, his heirs, executors, administrators and assigns; and the proceeds of said sales and all or any part of the moneys derived therefrom or from any other source may be invested from time to time in the securities mentioned in the said Act, and also in mortgage securities over real estate whether freehold or leasehold, and also in municipal debentures or the debentures of any society or company in which any trustee under the provisions of chapter 130 Revised Statutes of Ontario, 1897, intituled *The Trustee Investment Act*, may invest any trust fund.

Authority to buy, sell and mortgage.

3. The said corporation shall have power from time to time and so often as they shall deem expedient, to sell, alienate, lease dispose of, convey and mortgage the real and personal property of the said corporation as the said corporation may deem expedient.

Technical education.

4. The said corporation shall have power to establish a system of technical education including such branches in domestic science and the development of such of the industrial arts as the board of directors of said corporation may from time to time determine.

Authority to make by-laws.

5. The said corporation shall have power from time to time to make such by-laws, rules and regulations for the government of the affairs of the corporation, and to repeal and amend the same as they may think necessary or expedient.

Negotiable instruments.

6. Every contract, agreement, engagement, or bargain made

and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the said corporation by any agent, officer or servant of the corporation, in general accordance with his powers as such under the by-laws of the corporation, shall be binding upon the corporation, and in no case shall it be necessary to have the seal of the corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note, or cheque, or to prove that the same was made, drawn, accepted or endorsed as the case may be, in pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the corporation be thereby subjected individually to any liability whatsoever to any third party therefor.

(2) Nothing in this section shall be construed to authorize the corporation to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank.

No. 22.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting The Hamilton Young
Women's Christian Association and Tech-
nical Institute.

First Reading, 14th February, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

MR. CARSGALEN.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 23.]

BILL.

[1899.

An Act incorporating the Carman Natural Gas Company of Ontario.

WHEREAS Francis Joseph Carman of the Town of Bothwell in the County of Kent, Gentleman ; Isaac Greenizen of the Town of Petrolia, in the County of Lambton, Barrister ; Alexander Murray McQuien, of the said Town of Petrolia, Accountant ; Albert Edwin Shaunessy, of the Town of Sarnia in the County of Lambton, Barrister, and John Salmon Carman of the Town of Bothwell in the County of Kent, Gentleman, by their petition have represented their belief (the facts thereasto being unknown) that natural gas may be found at a depth of about 2,000 feet at some point in or in the vicinity of the Town of Petrolia, in the County of Lambton, but that proof whether such natural gas exists or not in said locality can only be had by the expenditure of a considerable sum of money in prospecting therefor, and that no person or Company will expend such moneys unless they are protected as herein provided for; and great benefit and advantage will arise to the persons resident in the said Town of Petrolia in the way of advantages for light, heating and manufacturing purposes if such natural gas can be found ; and that a general public desire in said town exists for the discovery thereof and for the passing of this Act ; and whereas the said persons are desirous of forming a company with power to contract with the municipal corporation of the said town of Petrolia as herein provided for ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Incorporation. 1. That the said Francis Joseph Carman, Isaac Greenizen, Alexander Murray McQuien, Albert Edwin Shaunessy and 5 John Salmon Carman, together with such other persons as shall in pursuance of this Act and the powers thereby conferred become shareholders in the Company hereby incorporated are hereby constituted and declared to be a body corporate and politic by the name of "The Carman Natural Gas 10 Company of Ontario," hereinafter called "The Company."

Powers. 2. The company shall have the power to prospect and drill for natural gas anywhere in the Province of Ontario, and to remove and sell such natural gas anywhere in the said Province of Ontario or thereout for the purposes of lighting, heating 15 or manufacturing, and therewith shall have all the powers conferred, and shall be governed by The Revised Statutes of Ontario, Chap. 200, entitled *An Act Respecting Companies for Supplying Steam, Heat, Electricity, or Natural Gas, for Heat, Light, or Power*, together with the other Acts therein referred 20 to, so far as applicable thereto.

Town of Petrolea may make contract with company. 3. The municipal corporation of the town of Petrolea, in addition to any of the powers which it has or may have or may be given, may make a contract with the company where- 25 by the company shall have the exclusive right of laying along, across and under, the highways of the said municipality, pipes and any other necessary gas fixtures for the distribution of natural gas for sale within the said municipality for such period and upon such terms as to price and otherwise as may be agreed upon between the company and such municipality. 30

Capital stock. 4. The capital stock of the company hereby incorporated shall be \$30,000, and the same, as well as the general govern- ment of the company, shall be subject to the provisions of *The Ontario Joint Stock Companies Act*.

Provisional directors. 5. From and after the passing of this Act the said Francis 35 Joseph Carman, Isaac Greenizen, Alexander Murray McQuien, Albert Edwin Shaunessy and John Salmon Carman, shall be and are hereby constituted "A Board of Provisional Directors" of the said company, and shall hold office as such until the first election of directors under the provisions of the said *The 40 Ontario Joint Stock Companies Act*.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act Incorporating the Carman Natural
Gas Company of Ontario.

First Reading,	1899.
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(Private Bill.)

MR. PARDEE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 23.]

BILL.

[1899.

An Act respecting the Town of Petrolia.

WHEREAS Francis Joseph Carman of the Town of Bothwell in the County of Kent, Gentleman ; Isaac Greenizen of the Town of Petrolia, in the County of Lambton, Barrister ; Alexander Murray McQuien, of the said Town of Petrolia, Accountant ; Albert Edwin Shaunessy, of the Town of Sarnia in the County of Lambton, Barrister, and John Salmon Carman of the Town of Bothwell in the County of Kent, Gentleman, by their petition have represented that in their belief natural gas may be found at a depth of about 2,000 feet at some point in or in the vicinity of the Town of Petrolia, in the County of Lambton, but that proof whether such natural gas exists or not in said locality can only be had by the expenditure of a considerable sum of money in prospecting therefor, and that no person or Company will expend such moneys unless they are protected as herein provided for; and whereas since the said petition was presented the said petitioners have applied to the Lieutenant-Governor in Council for incorporation under *The Ontario Companies Act* and *The Act Respecting Companies for Supplying Steam, Heat, Electricity, or Natural Gas, for Heat, Light, or Power*, and have been so incorporated by letters patent dated the 20th day of March, 1899, as *The Carman Natural Gas Company of Ontario (Limited)*; and whereas it has been represented that great benefit and advantage will arise to the residents of the said Town of Petrolia in the way of advantages for light, heating and manufacturing purposes if such natural gas can be found; and *whereas* it has been further represented that the corporation of the town of Petrolia desires power to enter

into a contract or contracts upon certain terms and conditions with the said or any other company for the purposes aforesaid ; and whereas it is expedient to grant ~~the~~ prayer of the said petition ;⁶²

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Authority to
contract.

⁶³1. It shall be lawful for the corporation of the Town of Petrolia to enter into an agreement with any incorporated company, whereby such company shall have the exclusive right during a period not exceeding ten years of laying under, along and across the highways, streets and roads of the municipality pipes and other appliances for the distribution of natural gas for sale within the said municipality, and upon such terms as to price of distribution as may be agreed upon between the municipality and the said company.⁶⁴

⁶⁵(a) No such agreement shall be entered into *until* after a by-law ratifying such agreement has been passed to which the assent of the electors has been obtained in conformity with the provisions of *The Municipal Act* in respect of by-laws for creating debts.⁶⁶

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act respecting the Town of Petrolia.

First Reading, 2nd March, 1899.
Second Reading, 23rd March, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

Mr. PARDEE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 24.]

BILL.

[1899.

An Act to Incorporate the Hamilton and Caledonia Railway Company.

- W**HEREAS John Dickenson of the Township of Glan-
ford in the County of Wentworth, John W. Gage,
James T. Middleton and Walter Anderson of the Township of
Barton in the County of Wentworth, John Milne, John Moodie
5 the Younger and William A. Kerr of the City of Hamilton in
the County of Wentworth, and Archibald Shirra and William
Scott of the Village of Caledonia in the County of Haldimand,
have by their petition prayed for an Act of incorporation
under the name of The Hamilton and Caledonia Railway
10 Company for the purpose of constructing and operating a
railway from some point within the City of Hamilton in the
County of Wentworth to some point within the Village of
Caledonia in the County of Haldimand, with power to extend
the said railway to some point within the Town of Cayuga in
15 the County of Haldimand, and with power to further extend
the said railway to some point on the shore of Lake Erie in
the County of Haldimand near the Village of Selkirk; and
whereas as it is expedient to grant the prayer of the said
petition.
- 20 Therefore Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario enacts
as following :—

Incorporation. 1.—The said John Dickenson, John W. Gage, James T. Middleton, Walter Anderson, John Milne, John Moodie the Younger, William A. Kerr, Archibald Shirra and William Scott and such other persons, firms and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of The Hamilton and Caledonia Railway Company. 5

Certain
general
provisions of
Rev. Stat.
c. 207 to
apply.

2.—The several clauses of the first part of *The Railway Act of Ontario* relating to “interpretation”; incorporation”; “powers”; “plans and surveys”; “lands and their valuation”; “highways and bridges”; “fences”; “tolls”; “general meetings”; “president and directors”; “calls”; “dividends”; “shares and their transfer”; “shareholders”; “municipalities taking stock”; by-laws, notices, etc.”; “actions for indemnity and fines and penalties and their prosecution”; are incorporated with and shall form part of this Act and shall apply to the said company and the railway to be constituted by them, except only in so far as they are inconsistent with or repugnant to the express enactments hereof or are hereinafter especially excepted, and the expression “this act” when used herein shall include the clauses of the said first part of the said Railway Act of Ontario so incorporated with this Act, provided always that the clauses relating to “lands and their valuation” shall not apply within the City of Hamilton and provided also that clause 30 of the said Railway Act being the clause relating to “fences” shall not apply to any part of the said railway which runs along or upon any highway. 10 15 20 25

Location of
line.

3.—The said company and their servants and agents are hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate by any motive power and from time to time remove and change a double or single track iron or steel railway with one or more branch or branches and with all necessary side tracks and turn outs for the passage of cars, carriages and other vehicles adapted to the same from some point in the City of Hamilton through the said city and the Townships of Barton, Glanford, Seneca, North Cayuga, Rainham and Walpole to a point on the shore of Lake Erie near the Village of Selkirk, with power to build any part or branch of the said railway in sections. The said railway may be carried along and upon such streets and highways and railway tracks or lines as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the council of any of the said corporations respectively and the said company, and the said company may take, transport and carry passengers, freight, express and mail matter upon the same by the force or power of such motive power as they may be authorized by the council of the several municipalities by by-law to use and to construct and maintain all 30 35 40 45 50

necessary works, buildings, appliances and conveniences connected therewith; and the said company may make and enter into any agreement with any municipal council or road company as to the terms of occupancy of any street or highway.

5 4.—The gauge of the said railway shall be four feet, eight Gauge
and one-half inches.

5 5.—John Dickenson, John W. Gage, James T. Middleton Provisional
Walter Anderson, John Milne, John Moodie the Younger, directors
William A. Kerr, Archibald Shirra and William Scott shall be
10 and are hereby constituted a board of provisional directors of
the said company of whom a majority shall be a quorum, and
shall hold office as such until other directors shall be appointed
under the provisions of this Act by the shareholders.

6. The said board of provisional directors shall have full Powers of
15 power forthwith to open stock books and procure subscriptions provisional
of stock for the undertaking, and to allot the stock; to make directors.
calls upon the subscribers; to cause plans and surveys to be
executed; to enter into agreements for right of way, station
grounds and terminal grounds and to receive for the Company
20 any grant, loan, bonus or gift made to or in aid of, the under-
taking, and to enter into agreements respecting the condition
or disposition of any gift or bonus in aid of the undertaking
with all such other powers as under *The Railway Act of Ontario*
are vested in ordinary directors; and to call a general meeting
25 of the shareholders for the election of directors as hereinafter
provided. The said directors or a majority of them or the
board of directors to be elected, as hereinafter mentioned may
in their discretion exclude anyone from subscribing for stock
who, in their judgment, would hinder, delay or prevent the
30 Company from proceeding with and completing their under-
taking under the provisions of this Act; and all meetings of
the provisional board of directors shall be held in the City of
Hamilton in the County of Wentworth, or at such other place
as may best suit the interest of the said company.

35 7. When and as soon as shares to the amount of \$50,000 of First meeting
capital stock in said company shall have been subscribed and of company.
ten per centum paid thereon into some chartered bank of the
Dominion having an office in the Province of Ontario, to the
credit of the company, and which shall on no account be with-
40 drawn therefrom unless for the services of the company, the
said provisional directors or a majority of them shall call a
general meeting of the shareholders for the purpose of electing
directors of the said company, giving at least four week's
notice by advertisement in the Ontario Gazette and in one or
45 more newspapers published in the City of Hamilton in the said
County of Wentworth, of the time, place and purpose of said
meeting.

Directors,
election of.

8. At such general meeting the shareholders present either in person or by proxy who shall at the opening of such meeting have paid up ten per centum on their shares shall elect nine persons to be directors of the said company, in manner and qualified as hereinafter described, which said directors shall constitute a board of directors and shall hold office until the next general annual meeting and a majority of the directors shall form a quorum of the board and may also pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario* and the said board of directors may employ and pay one of their number as managing director.

Qualification
of directors.

9. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Construction
of line in
sections.

10. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railways, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company, may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid; of the map or plan and book of reference of any and each of such sections or portions of the said railways, all and every of the clauses of the said *Railway Act* applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* with respect to "plans and surveys."

Rev. Stat.
c. 207.

Head office.

Annual
general meetings.

11. The head office of the said company shall be at the said City of Hamilton and the general annual meetings of the shareholders of the said company shall be held in the said City of Hamilton and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the

Ontario Gazette, and once a week in one newspaper published in the said City of Hamilton, during the four weeks preceding the week in which such meeting is to be held.

12. Special general meetings of the shareholders of the said Company may be held at such place, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceeding section. Special general meetings.

13. The provisional directors or the elected directors may pay or agree to pay, in paid up stock or in the bonds of the said company, such sums as they may deem expedient to engineers and contractors, or for right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the service of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Making certain payments in paid up stocks or bonds.

14. The capital stock of the company shall be \$250,000 with power to increase the same in the manner provided by *The Railway Act of Ontario*, to be divided into 2,500 shares of \$100,00 each, and shall be raised by the persons and corporations who shall become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipping and working of said railway and the purposes of this Act. Capital stock.

Rev. Stat. c. 207.

15. No subscription for stock in the capital of the company, shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. Subscriptions not binding until approved.

16. Fully paid up shares in the capital stock of the said company may be transferred by any form of instrument in writing; but shares not fully paid up can only be transferred with the consent of the directors and upon such terms as they may require, and no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company. Shares, transfer of.

- Aliens, rights of.** **17.** Aliens as well as British subjects and corporations may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company. 5
- Calls.** **18.** The directors for the time being may from time to time make calls as they shall think fit, provided no calls shall be made at any one time for more than ten per centum of the amount subscribed by each shareholder; and thirty days' notice shall be given of each call as provided by section 10 of this Act. 10
- Fares.** **19.** Subject to the terms of any agreement with a municipal corporation, the said company may charge fares at the rate of three cents per mile per passenger, provided that no fare need be less than five cents. 15
- Tolls on fruit and milk.** **20.** The company may make special rates for the carriage of fruit and milk.
- Agreements with agricultural societies and park companies.** **21.** The company may make and enter into an agreement with any agricultural society or any park company for aid in the construction of their line of railway or the branches thereof by way of loan or bonus or subscription of stock or otherwise, and the railway company may grant such agricultural society or park company special rates for passengers and goods to and from the grounds of such agricultural society or park company in exchange for such aid. 20 25
- Parks and pleasure grounds.** **22.** The said company is hereby authorized to purchase, lease or acquire, by voluntary donation or otherwise, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and the said company are authorized to improve or lay out such lands as parks or places of public resort, and may make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them in respect thereto; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate, shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section; provided also that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; provided moreover 30 35 40
- Proviso.**
- Proviso.**

that the company shall not under this clause have power to acquire any lands after the lapse of four years from the passing of this Act ; and provided also that nothing in this section contained shall be deemed to enable the company to carry on
 5 the general business of a land company. Proviso.

23. The company shall have power and authority to generate compressed air or electricity by water power or steam at Caledonia or at any other place on the Grand River between Caledonia and Cayuga, as may be most suitable for the location of the power house, and also to generate compressed air by steam or electric power at Hamilton, and also to generate compressed air from natural gas along the line of the railway, and may construct, maintain and operate the necessary works for the production of compressed air and electricity for the motive power of the said railway, and for lighting and heating the rolling stock of the company by electricity, and the said company may sell or lease any such electricity not required for the purposes aforesaid to any person, firm or corporation, and in that behalf shall possess the powers, right and privileges, and shall be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for Steam and Heating*, or for supplying electricity for light, heat or power, and the company may acquire and hold any property necessary for the purposes mentioned
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 15
 20
 25 in this section. Compressed air and electricity, power to generate.

24. Any municipality through which the said railway may pass or is situate, is empowered to grant, by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person, or body corporate or politic ; and shall have power to sell or otherwise dispose of the same for
 30
 35 the benefit of the said company. Grants of land to company.

25. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such terms of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein. Exemptions from taxation.

Laying rails
on highways.

26. Any municipality through which the said railway passes and having jurisdiction in the premises may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any joint stock company, with the consent of and subject to the conditions imposed by such joint stock company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said Railway.

15

Aid from
municipalities.

27. Any municipality or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures by way of bonus, gift or loan or by the guarantee of the municipal corporation, or by subscribing for shares in the capital stock of the company, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with, and as provided by law in respect to granting aid, by way of bonuses to railways.

Bonus by-laws
—submission
to ratepayers.

28. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

Rev. Stat.
c. 223.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto as aforesaid.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

29. Such by-law shall in each instance provide:

Provisions to be inserted in by-laws.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality, as the case may be, mentioned in the petition by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of such debentures or for the application of the amount to be raised thereby as may be expressed by the said by-law.

(2) For assessing and levying upon all rateable property lying defined in said by-law, as the case may be, an annual special rate, sufficient to include a sinking fund, for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

30. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

Deposit of expenses of submitting by-laws.

31. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

By-law if assented to, to be passed by council.

32. Within one month after the passing of such by-law the said council and the reeve or other officers thereof shall issue the debentures necessary to raise the sum mentioned in such by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Debentures in aid of company.

33. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Rate on portion of municipality grants aid.

34. The councils of all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement of the work

Resolutions extending time for commencement of work.

beyond that stipulated by the by-law, or by-laws, granting such aid from time to time, provided that no such extension shall be for a longer period than one year.

Resolutions
extending
time for com-
pletion of
work.

35. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, and they shall have full power to extend the time for the completion of the works (on the completion of which the said company shall be entitled to such bonus) from time to time provided that no such extension shall be for a longer period than one year at a time. 10

County by-
laws, petitions
against.

36. In the case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby or upon any other ground ought not to be included therein and upon deposit by the petitioners with the treasurer of the county of a sufficient sum to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, and one being the registrar of the county or of the riding in which the county town is situate and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon at the option of the railway company be submitted by the council to the duly qualified voters and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended then by the railway company or the county as the arbitrators may order. 25

"Minor
municipali-
ties," meaning
of.

37. The term "minor municipality" shall be construed to mean any town not separated from the municipal county township or incorporated village, situate in the county municipality. 35

Application of
Rev. Stat.
c. 223 to by-
laws.

38. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. 40

Purchasing
whole lots.

39. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over 45

which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof, from time to time, as they may deem expedient but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Rev. Stat. c. 207.

40. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in case of arbitration for the roadway and all the provisions of *The Railway Act of Ontario* and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey and the parties from whom lands may be taken or who may sell shall apply to the subject matter of this section as to obtaining the materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which the said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration in case arbitration is resorted to, to state the interest required. Acquiring grave¹, etc., for roadway.
Rev. Stat. c. 207.

41. (1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said materials shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently as the company may think proper; and the powers in this and the preceding section may at all times be exercised, and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway. Sidetracks to gravel pits.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat. c.
207, Trustees
of municipal
debentures.

42. Whenever any municipality, or portion of a township municipality, shall grant aid by way of a bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of
municipal de-
bentures.

43. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or the amount realized from the same in some chartered bank having an office in the Province of Ontario in the name of "The Hamilton and Caledonia Railway Company, Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said company for the time being in the form set out in the schedule "A" hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500.00, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Remuneration
of trustees.

44. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Collection of
back charges
on goods.

45. The said company shall have power to collect and receive all charges subject to which goods or commodities may

come into their possession, and on payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof, upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all rights and remedies of such person for such charges.

46. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the said company; provided that no poles shall be erected in the construction of either of said lines in or through the said City of Hamilton without the consent of the corporation of the said City of Hamilton being first obtained by the said company, provided also that the telephone line shall be used exclusively for the purposes of the business of the said company.

Telegraph and telephone lines.

Rev. Stat. c. 192.

47. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, person or persons, for leasing, hiring or using of any steam engine, compressed air or electric motors, carriages, or cars from such companies or persons for such time or times, and on such terms as may be agreed on; and also to enter into agreements with any railway company, or companies; if so lawfully authorized for the use, by one or more of such contracting companies of the steam engines, compressed air or electric motors, carriages or cars of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Agreements as to leasing rolling stock, etc.

48. The said company shall have power to enter into an agreement or agreements with the Hamilton Electric Light and Power Company (Limited), The Cataract Power Company or any other company or companies for the purchase, leasing or hiring of power to run their compressed air or electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company.

Agreements with other companies for supply of compressed air, electricity, etc.

49. The said company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct and operate a railway or railways in or near the City of Hamilton, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for

Running arrangements and connections with other companies.

that purpose, and it shall also be lawful for the said Company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale 5 or leasing or hiring any compressed air or electric motors, carriages or cars of any of the, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the 10 shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing, or entering into such agreement for using the said railway, may and 15 are hereby authorized to work the said railway, in the same manner as if incorporated with their own line subject to the provisions of any by-law or by-laws of the City of Hamilton which may from time to time be in force so far as the same may effect the company hereby incorporated, or the railway to 20 be built under the authority of this Act, and provided that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof shall be entered into by the said company unless and until the consent of the corporation of the said City of Hamilton has 25 first been obtained thereto, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Bonding
powers.

50. The directors of the said company shall have power to 30 issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$10,000 for each mile of the said railway, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Rail- 35 way Act* of Ontario shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections.

Negotiable
instruments.

51. The said company shall have power and authority to 40 become parties to promissory notes and bills of exchange for sums of not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of directors, shall be binding on the said company and 45 every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory

note or bill of exchange, or shall the president, vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein
 5 provided and enacted ; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

10 52. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds
 which they may be enabled under the powers of this Act to issue for the construction of the said railway. Pledge bonds.

53. Conveyances of land to the said company for the pur-
 15 pose of and power given by this Act in the form set forth in Schedule "B" to this Act, or to the like effect shall be suffi-
 cient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and
 sufficient bar of dower respectively of all persons executing
 20 the same, and such conveyances shall be registered in such man-
 ner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same,
 including all entries and certificates thereof, and certificates
 25 endorsed on the duplicates thereof. Conveyances of lands to company.

54. The said company shall have power and authority to receive, purchase, hold and take of any corporation or person, any land for the purpose of boring for natural gas and to bore
 for natural gas, and, in case same is found, to pipe the same
 30 along the line of the railway and to enter into an agreement or agreements with any person, firm or corporation for the purchase, leasing or hiring by such person, firm or corporation of any surplus natural gas, for heating, lighting or manufacturing purposes or for any other purpose for which the same may or
 35 can be used by such purchaser, lessee or hirer. Acquiring lands for natural gas rights.

55. The rails of said company shall be laid so as to cause the least inconvenience possible to general traffic, consistent
 with the proper working of said company, to be flush as near-
 ly as practicable with the streets or highways along which the
 40 railway may be run. Rails to be laid flush with highway.

56. The company shall have full power to purchase land for and erect power houses, warehouses, elevators, docks, stations,
 workshops, and offices, and to sell and convey such land as may
 be found superfluous, for any such purpose and the company
 45 shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate
Power houses, docks, elevators, etc.

the carriage of passengers, freight and other traffic in connection with the railways.

Time for commencement and completion of line.

57. The railway shall be commenced within three years and completed to the extent of a through connection with the Village of Caledonia aforesaid within five years, and completed to the extent of a through connection with the Town of Cayuga within six years and finally completed within eight years after the passing of this Act. 5

SCHEDULE A.

(Section 42.)

CHIEF ENGINEER'S CERTIFICATE.

The Hamilton and Caledonia Railway Company.

No. Engineer's Department, A.D. 189 .

Certificate to be attached to cheques drawn on the Hamilton and Caledonia Railway Company Municipal Trust Account, given under section , chapter , of the acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B. , Chief Engineer of the Hamilton and Caledonia Railway Company do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number of the township of (or under the agreement dated the day of , between the Corporation of and the said Company), to entitle the said Company to receive from the said trust the sum of . (Here set out the terms and conditions, if any, which have been fulfilled).

SCHEDULE B.

(Section 53.)

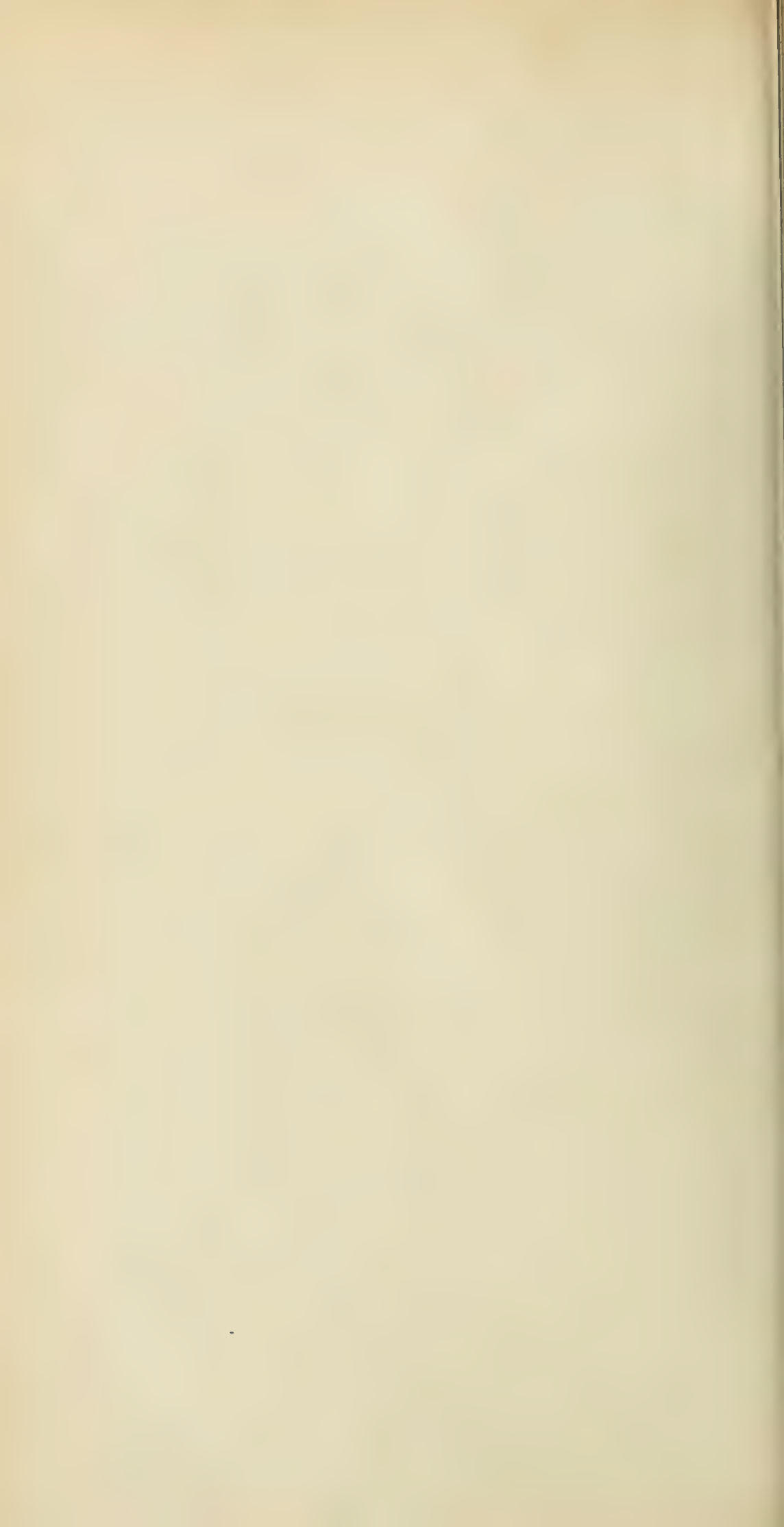
Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by the Hamilton and Caledonia Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company. and I (or we) (insert the name of any other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release that certain parcel (or those certain parcels as the case may be) of land (describe the land), the same having been selected and laid out by the said Company for the purposes of their railway, to hold with the appurtenances unto the said The Hamilton and Caledonia Railway Company their successors and assigns forever (here insert any other clauses or conditions and covenants required), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day A.D. 189 .

Signed, Sealed and Delivered

In the presence of

L.S.



2nd Session, 9th Legislature, 62 Viet., 1899

BILL.

An Act to incorporate the Hamilton and
Caledonia Railway Company.

First Reading,	1899.
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(Private Bill).

MR. HOLMES.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty

No. 24.]

BILL.

[1899.

An Act to Incorporate the Hamilton and Caledonia Railway Company.

WHEREAS John Dickenson of the Township of Glan-
ford in the County of Wentworth, John W. Gage, Preamble.
James T. Middleton and Walter Anderson of the Township of
Barton in the County of Wentworth, John Milne, John Moodie
the Younger and William A. Kerr of the City of Hamilton in
the County of Wentworth, and Archibald Shirra and William
Scott of the Village of Caledonia in the County of Haldimand,
have by their petition prayed for an Act of incorporation
under the name of The Hamilton and Caledonia Railway
Company for the purpose of constructing and operating a
railway from some point within the City of Hamilton in the
County of Wentworth to some point within the Village of
Caledonia in the County of Haldimand, with power to extend
the said railway to some point within the Town of Cayuga in
the County of Hadlmam, and with power to further extend
the said railway to some point on the shore of Lake Erie in
the County of Haldimand near the Village of Selkirk; and
whereas as it is expedient to grant the prayer of the said
petition.

Therefore Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario enacts
as following :—

Incorporation. 1.—The said John Dickenson, John W. Gage, James T. Middleton, Walter Anderson, John Milne, John Moodie the Younger, William A. Kerr, Archibald Shirra and William Scott and such other persons, firms and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of “The Hamilton and Caledonia Railway Company.”

Location of line.

2.—The said company and their servants and agents are hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate by^{and} compressed air or electricity, or partly by compressed air and partly by electricity,^{and} and from time to time remove and change a double or single track iron or steel railway^{and} of the gauge of four feet eight and one-half inches^{and} with one or more branch or branches and with all necessary side tracks and turn outs for the passage of cars, carriages and other vehicles adapted to the same from some point in the City of Hamilton through the said city,^{and} the Village of Caledonia, the Town of Cayuga^{and} and the Townships of Barton, Glanford, Seneca, North Cayuga, Rainham and Walpole to a point on the shore of Lake Erie near the Village of Selkirk, with power to build any part or branch of the said railway in sections. The said railway may be carried along and upon such streets and highways and railway tracks or lines as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the council of any of the said corporations respectively and the said company, and the said company may take, transport and carry passengers, freight, express and mail matter upon the same by the force or power of such motive power as they may be authorized by the council of the several municipalities by by-law to use and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith; and the said company may make and enter into any agreement with any municipal council or road company as to the terms of occupancy of any street or highway.

Provisional directors.

3.—John Dickenson, John W. Gage, James T. Middleton, Walter Anderson, John Milne, John Moodie the Younger, William A. Kerr, Archibald Shirra and William Scott shall be and are hereby constituted a board of provisional directors of the said company of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of^{and} *The Electric Railway Act.*^{and}

First meeting of company.

4. When and as soon as shares to the amount of \$50,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be with-

drawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four week's notice by advertisement in the Ontario Gazette and in one or more newspapers published in the City of Hamilton in the said County of Wentworth, of the time, place and purpose of said meeting.

5. The number of directors shall be not less than five nor more than nine. Number of directors.

6. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same, as required by the clauses of the said *Electric Railway Act*, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said *Electric Railway Act*, and the amendments thereof, applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken and the statement of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act*, and the amendments thereof, with respect to "plans and surveys." Construction of railway in sections.
Rev. Stat. c. 209.

7. The head office of the said company shall be at the said City of Hamilton, and all meetings of the provisional board of directors of the company shall be held at the said City of Hamilton, or at such other place as may best suit the interests of the company. Head office.

8. The provisional directors or the elected directors may pay or agree to pay, in paid up stock or in the bonds of the said company, such sums as they may deem expedient to engineers and contractors, or for right of way or material, plant or rolling stock, and also when sanctioned by a vote of the Making certain payments in paid up stocks or bonds.

shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Capital stock. 9. The capital stock of the company shall be \$250,000, to be divided into 2,500 shares of \$100 each.

Subscriptions not binding until approved. 10. No subscription for stock in the capital of the company, shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Tolls on fruit and milk. 11. The company may make special rates for the carriage of fruit and milk.

Agreements with agricultural societies and park companies. 12. The company may make and enter into an agreement with any park company for aid in the construction of their line of railway or the branches thereof by way of loan or bonus or subscription of stock or otherwise, and the railway company may grant *any such* park company, ^{or} or any agricultural society, ^{special} special rates for passengers and goods to and from the grounds of such park company ^{or} or agricultural society. ^{or}

Compressed air and electricity, power to generate. 13. The company shall have power and authority to generate compressed air or electricity by water power or steam at Caledonia or at any other place on the Grand River between Caledonia and Cayuga, as may be most suitable for the location of the power house, and also to generate compressed air by steam or electric power at Hamilton, and also to generate compressed air from natural gas along the line of the railway, and may construct, maintain and operate the necessary works for the production of compressed air and electricity for the motive power of the said railway, and for lighting and heating the rolling stock of the company by electricity, and the said company may sell or lease any such electricity not required for the purposes aforesaid to any person, firm or corporation, and in that behalf shall possess the powers, right and privileges, and shall be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for Steam and Heating*, or for supplying electricity for light, heat or power, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Laying rails on highways. 14. Any municipality through which the said railway passes and having jurisdiction in the premises may pass a by-

law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any joint stock company, with the consent of and subject to the conditions imposed by such joint stock company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway.

15. The said company shall have power to enter into an agreement or agreements with the Hamilton Electric Light and Power Company (Limited), The Cataract Power Company or any other company or companies for the purchase, leasing or hiring of power to run their compressed air or electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company.

Agreements with other companies for supply of compressed air, electricity, etc.

16. The said company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct and operate a railway or railways in or near the City of Hamilton, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholder, at a special general meeting to be held for that purpose, and it shall also be lawful for the said Company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any compressed air or electric motors, carriages or cars or any of them, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing, or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line subject to the provisions of any by-law or by-laws of the City of Hamilton which may from time to time be in force so far as the same may effect the company hereby incorporated, or the railway to be built under the authority of this Act, and provided that no such agreement for connections, running arrangements, sale,

Running arrangements and connections with other companies.

leasing or hiring of the said railway or any portion thereof shall be entered into by the said company unless and until the consent of the corporation of the said City of Hamilton has first been obtained thereto, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Acquiring
lands for nat-
ural gas rights.

17. The said company shall have power and authority to receive, purchase, hold and take of any corporation or person, any land for the purpose of boring for natural gas and to bore for natural gas, and, in case same is found, to pipe the same along the line of the railway and to enter into an agreement or agreements with any person, firm or corporation for the purchase, leasing or hiring by such person, firm or corporation of any surplus natural gas, for heating, lighting or manufacturing purposes or for any other purpose for which the same may or can be used by such purchaser, lessee or hirer.

18. Notwithstanding anything contained in chapter 246 of the Revised Statutes of Ontario entitled *An Act to Prevent the Profanation of the Lord's Day*, or in chapter 209 of the Revised Statutes of Ontario entitled *An Act respecting Electric Railways*, it shall be lawful for the company to operate its railway and run its cars on the Lord's Day.

Application
of Electric
Railway Act.

19. The several clauses of *The Electric Railway Act*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Electric Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Time for com-
mencement
and comple-
tion of line.

20. The railway shall be commenced within three years and completed to the extent of a through connection with the Village of Caledonia aforesaid within *four* years, and completed to the extent of a through connection with the Town of Cayuga within *five* years and finally completed within *six* years after the passing of this Act.

No. 24.

21st Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to incorporate the Hamilton and
Caledonia Railway Company.

First Reading, 21st February, 1899

*(Reprinted as amended by the Railway Com-
mittee.)*

MR. HOLMES.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 25.]

BILL.

[1899.

An Act to legalize and confirm By-laws 488 and
489 of the Town of Sarnia.

WHEREAS the Corporation of the Town of Sarnia has by its Preamble.
petition represented that The Bushnell Company Limited is the owner of certain land in the Town of Sarnia and
that the said land was up to the time of its purchase by the
5 said company in the year 1897 and 1898 almost wholly un-
occupied and unproductive, and that the total assessment of
the said land up to the time of the purchase thereof by The
Bushnell Company Limited was under \$30,000, and that the
said company has commenced the construction on the said land
10 of an oil refinery and works for the purpose of manufacturing
illuminating oil from petroleum and manufacturing the by pro-
ducts of petroleum, and without any bonus or other assistance
or inducement whatever given to the said company by the
said Town of Sarnia excepting the undertaking that the
15 said company would be partially exempted from taxation;
and that the said company has agreed to employ at least 30
men daily for at least eight months in each year during the
period covered by the by-law hereinafter set out; and that no
corporation, firm or individual other than the said company
20 carries on the said business at the Town of Sarnia; and that
in fixing the assessment of the said company at \$30,000 and
collecting the full rate thereon the Town of Sarnia is likely to
collect a greater tax from said company than would be payable
if the said company were exempted from general municipal
25 tax and school rate alone were collected; and that the
said company has now been operating for 20 months and has

employed on an average over 200 men per day in said town ; and whereas the said petition sets forth that the municipal council of the Town of Sarnia pursuant to said undertaking did on the 14th day of November, 1898, by unanimous vote thereof, finally pass a by-law number 488 of the Town of Sarnia, which said by-law is fully set forth in Schedule " A " to this Act ; and whereas the Corporation of the Town of Sarnia by its petition has further represented that The Sarnia Salt Company Limited some years ago put down a salt well on the property of the Grand Trunk Railway Company at Sarnia and the works in connection therewith have been idle for a number of years and have heretofore been of little or no advantage to the Town of Sarnia and that the said Sarnia Salt Company Limited has been re-organized and has proceeded to re-construct, extend and enlarge the said works with a view to carrying on the business of manufacturing salt and the by products thereof at the said works upon the undertaking of the said Town of Sarnia to give the said Sarnia Salt Company Limited partial exemption from taxation, and that the said company has proceeded to reconstruct, repair and enlarge the said works and that there is no other salt works carrying on business in the Town of Sarnia ; and whereas the said petition sets forth that the municipal council of the Town of Sarnia did on the 14th day of November, 1898, by unanimous vote thereof, pass by-law number 489 of the Town of Sarnia which said by-law is fully set out in Schedule " B " to this Act ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-law 488
confirmed.

1. The said by-law number 488 of the Municipal Corporation of the Town of Sarnia, fully set forth in Schedule " A " hereto, is declared legal valid and binding upon the said Municipal Corporation of the Town of Sarnia notwithstanding any want of jurisdiction in the said municipality to pass such by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same.

By-law 489
confirmed.

2. The said by-law number 489 of the Municipal Corporation of the Town of Sarnia, fully set forth in Schedule " B " hereto, is declared legal, valid and binding upon the said Municipal Corporation of the Town of Sarnia notwithstanding any want of jurisdiction in the said municipality to pass such by-law and notwithstanding any defect in substance or in the form of the said by-law or in the manner of passing the same.

SCHEDULE A.

(Section 1.)

No. 448.

A By-law to fix the assessment of the Bushnell Company Limited, at the sum of \$30,000 for Twenty years on certain conditions.

Whereas the Bushnell Company Limited is the owner of the land in the Town of Sarnia, bounded on the east by Park street, on the south by St. Andrews street, on the west by River street, and on the north by Confederation street, excepting out of said block of land Lot No. 28, Byrnes survey,

And of 231 feet 6 inches of Lots Nos. 29 and 30, Byrnes survey on the west side of River street,

And of Lot 17 on the west side of Christina street,

And whereas the greater part of said land has always until purchased by said Company in 1897 and 1898, been unoccupied and unproductive,

And whereas the total assesment of said land at the time the same was so purchased by said Company was less than \$30,000 and certain portions thereof had never been assessed at all as the title thereto was still in the Crown.

And whereas the said Company has without bonus or other assistance from the town of Sarnia, commenced the construction of an oil refinery and works for the purpose of manufacturing illuminating oil from petroleum and of manufacturing the by-products of petroleum, upon the understanding that the property of the said Company would be partially exempted from taxation.

And whereas the said Company has represented to the Town of Sarnia, that the said Company their successors and assigns will operate the said oil refinery and works for at least eight months in each year for the said period of twenty years, and will employ daily during the said eight months in each year at least thirty men,

And whereas the said Company has agreed to defray the expenses of Legislation validating and making operative this By-law.

Therefore the Municipal Council of the Town of Sarnia subject to this By-law being validated, affirmed and made operative by the Legislature of the Province of Ontario, enacts as follows :—

1st —That the annual assessment of the aforesaid real property of the said Company their successors and assigns, including any pipe lines in connection therewith and situate in the Town of Sarnia, and the personal property of the said Company, their successors and assigns, shall, for all purposes whatsoever, including school taxes, be fixed at the sum of \$30,000 for a period of twenty years from and inclusive of the 1st day of January 1899.

2nd.—That all property which the said Company, their successors or assigns, shall hereafter acquire in the said Town of Sarnia for the purposes of and to be used in connection with their business, shall for the portion of said period of twenty years which shall not then have elapsed, be assessed annually for the same amount as the assessment thereof in the year next before the same shall be so purchased, and which said assessment of property which may be so hereafter acquired, shall be in addition to the said fixed assessment of \$30,000.

3rd.—Should the said Company, their successors or assigns, fail in any year during said term to carry on the said works on the said lands for at least eight months thereof or to employ at least thirty persons therein for eight months in any year, the Town of Sarnia may in the next year after such default and as often as such default shall be made assess the said real and personal property as if this by-law and any act validating the same had not been passed; but the said Company, their successors and assigns, shall upon payment of the taxes levied upon the assessment made by reason of such default be thereafter entitled to the benefit of the assessment fixed by this by-law upon compliance with the conditions thereof.

4th.—Nothing herein contained shall operate to exempt the said lands from the payment of local improvement rates properly levied thereon.

5th.—By-laws numbers 452, 453 and 461, of 1897, for the Town of Sarnia, being by-laws to exempt the Bushnell Company Limited, from the payment of Municipal taxes, shall upon the passing of an act in the Legislature of the Province of Ontario validating and affirming this by-law be hereby repealed.

6th clause.—That all labor employed shall become residents of the town.

Passed this 14th day of November, 1893.



Signed, D. BARR,
Reeve.

J. D. STEWART,
Town Clerk.

SCHEDULE B.

(Section 2).

No. 489.

A By-law to fix the assessment of the Sarnia Salt Company, Limited, at \$3,000 for twenty years on certain conditions.

Whereas the Sarnia Salt Company, Limited, has represented that if the town of Sarnia will fix the assessment of the assessable property of said Company at the sum of \$3,000 for the period of twenty years from the first day of January, 1899, the said Company will enlarge and improve the salt works of the said Company on the lands of the Grand Trunk Railway Company of Canada, in the town of Sarnia, and will operate the said works for at least eight months in each year during said period and will employ at least twenty persons at said works or in connection therewith.

And whereas it is expedient in the interests of the Town of Sarnia that the amount of the annual assessment of the said Company, their successors and assigns be fixed at the said sum of \$3,000 and that the said works be enlarged and operated as aforesaid.

And whereas the said Company has agreed to defray the expenses of Legislation validating and making operative this by-law.

Therefore the Municipal Council of the Town of Sarnia, subject to this by-law being validated, affirmed and made operative by the Legislature of the Province of Ontario, enacts as follows :—

1st.—That the amount of the annual assessment of all the assessable property of the said Company, their successors and assigns employed in or in connection with or the product of the works and manufacturies so carried on and operated shall for all purposes, including school taxes, be fixed at the sum of \$3,000 for the period of twenty years from and including the first day of January, 1899.

2nd.—That all property which the said Company, their successors or assigns shall hereafter acquire in the said Town of Sarnia for the purposes of and to be used in connection with their business of manufacturing salt and by-products thereof shall for the portion of said term of twenty years, which shall not then have elapsed, be assessed annually thereafter for the same amount as the assessment thereof in the year next before the same shall be so acquired and which said assessment of property, that may be so hereafter acquired, shall be in addition to the said fixed assessment of three thousand dollars.

3rd.—Should the said Company, their successors or assigns, fail in any year during said term to carry on their said works for at least eight months thereof, or to give an aggregate employment therein equal to twenty persons per day for eight months in each year the Town of Sarnia may in the next year after such default, and as often as such default shall be made, assess the assessable property of the said Company, their successors and assigns, as if this by-law and any act validating the same had not been passed, but the said Company, their successors and assigns shall upon payment of the taxes levied upon the assessment made by reason of such default be thereafter entitled to the benefit of the assessment fixed by this by-law upon compliance thereafter with the conditions thereof.

4th.—Nothing herein contained shall operate to exempt any land owned by the said Company from local improvement rates properly levied therein.

5th Clause.—That all labor employed shall become residents of the Town.

Passed this 14th day of November, A.D. 1898.



D. BARR,

Reeve.

J. D. STEWART,

Clerk.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to legalize and confirm by-laws 488
and 489 of the Town of Sarnia

First Reading,	1899.
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(Private Bill)

Mr. PARDEE.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act to legalize and confirm By-laws 488 and
489 of the Town of Sarnia.

WHEREAS the Corporation of the Town of Sarnia has by its Preamble.
petition represented that The Bushnell Company Limited is the owner of certain land in the Town of Sarnia and that the said land was up to the time of its purchase by the said company in the year 1897 and 1898 almost wholly unoccupied and unproductive, and that the total assessment of the said land up to the time of the purchase thereof by The Bushnell Company Limited was under \$30,000, and that the said company has commenced the construction on the said land of an oil refinery and works for the purpose of manufacturing illuminating oil from petroleum and manufacturing the by products of petroleum, and without any bonus or other assistance or inducement whatever given to the said company by the said Town of Sarnia excepting the undertaking that the said company would be partially exempted from taxation; and that the said company has agreed to employ at least 30 men daily for at least eight months in each year during the period covered by the by-law hereinafter set out; and that no corporation, firm or individual other than the said company carries on the said business at the Town of Sarnia; and that in fixing the assessment of the said company at \$30,000 and collecting the full rate thereon the Town of Sarnia is likely to collect a greater tax from said company than would be payable if the said company were exempted from general municipal tax and school *rates* alone were collected; and that the said company has now been operating for 20 months and has

employed on an average over 200 men per day in said town ; and whereas the said petition sets forth that the municipal council of the Town of Sarnia pursuant to said undertaking did on the 14th day of November, 1898, by unanimous vote thereof, finally pass a by-law number 488 of the Town of Sarnia, which said by-law is fully set forth in Schedule " A " to this Act ;⁴⁸⁷ and whereas the said Bushnell Company, Limited, has, since the passing of said by-law number 488, assigned all its right, title and interest in said property to the Imperial Oil Company, Limited, and it is the intention of the said by-law and of the Corporation of the Town of Sarnia, that the said The Imperial Oil Company, Limited, shall be entitled to all the rights and benefits that the Bushnell Company, Limited, would be entitled to under said by-law ;⁴⁸⁸ and whereas the Corporation of the Town of Sarnia by its petition has further represented that The Sarnia Salt Company Limited some years ago put down a salt well on the property of the Grand Trunk Railway Company at Sarnia and the works in connection therewith have been idle for a number of years and have heretofore been of little or no advantage to the Town of Sarnia and that the said Sarnia Salt Company Limited has been re-organized and has proceeded to re-construct, extend and enlarge the said works with a view to carrying on the business of manufacturing salt and the by products thereof at the said works upon the undertaking of the said Town of Sarnia to give the said Sarnia Salt Company Limited partial exemption from taxation, and that the said company has proceeded to reconstruct, repair and enlarge the said works and that there is no other salt works carrying on business in the Town of Sarnia ; and whereas the said petition sets forth that the municipal council of the Town of Sarnia did on the 14th day of November, 1898, by unanimous vote thereof, pass by-law number 489 of the Town of Sarnia which said by-law is fully set out in Schedule " B " to this Act ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-law 488
confirmed.

1. The said by-law number 488 of the Municipal Corporation of the Town of Sarnia fully set forth in Schedule " A " hereto, is declared legal valid and binding upon the said Municipal Corporation of the Town of Sarnia notwithstanding any want of jurisdiction in the said municipality to pass such by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same ;⁴⁸⁹ and the said Imperial Oil Company, Limited, their successors and assigns, shall be entitled to the same rights and benefits under said by-law and this Act as if the property affected by said by-law and this Act had been transferred from the Bushnell

Company, Limited, to the said The Imperial Oil Company, Limited, after the going into force of this Act. ⁷⁶¹

2. The said by-law number 489 of the Municipal Corporation of the Town of Sarnia, fully set forth in Schedule "B" hereto, is declared legal, valid and binding upon the said Municipal Corporation of the Town of Sarnia notwithstanding any want of jurisdiction in the said municipality to pass such by-law and notwithstanding any defect in substance or in the form of the said by-law or in the manner of passing the same. By-law 489 confirmed.

SCHEDULE A.

(Section 1.)

No. 488.

A By-law to fix the assessment of the Bushnell Company Limited, at the sum of \$30,000 for Twenty years on certain conditions.

Whereas the Bushnell Company Limited is the owner of the land in the Town of Sarnia, bounded on the east by Park street, on the south by St. Andrews street, on the west by River street, and on the north by Confederation street, excepting out of said block of land Lot No. 28, Byrnes survey,

And of 231 feet 6 inches of Lots Nos. 29 and 30, Byrnes survey on the west side of River street,

And of Lot 17 on the west side of Christina street,

And whereas the greater part of said land has always until purchased by said Company in 1897 and 1898, been unoccupied and unproductive,

And whereas the total assesment of said land at the time the same was so purchased by said Company was less than \$30,000 and certain portions thereof had never been assessed at all as the title thereto was still in the Crown.

And whereas the said Company has without bonus or other assistance from the town of Sarnia, commenced the construction of an oil refinery and works for the purpose of manufacturing illuminating oil from petroleum and of manufacturing the by-products of petroleum, upon the understanding that the property of the said Company would be partially exempted from taxation.

And whereas the said Company has represented to the Town of Sarnia, that the said Company their successors and assigns will operate the said oil refinery and works for at least eight months in each year for the said period of twenty years, and will employ daily during the said eight months in each year at least thirty men,

And whereas the said Company has agreed to defray the expenses of Legislation validating and making operative this By-law.

Therefore the Municipal Council of the Town of Sarnia subject to this By-law being validated, affirmed and made operative by the Legislature of the Province of Ontario, enacts as follows :—

1st —That the annual assessment of the aforesaid real property of the said Company their successors and assigns, including any pipe lines in

connection therewith and situate in the Town of Sarnia, and the personal property of the said Company, their successors and assigns, shall, for all purposes whatsoever, including school taxes, be fixed at the sum of \$30,000 for a period of twenty years from and inclusive of the 1st day of January 1899.

2nd.—That all property which the said Company, their successors or assigns, shall hereafter acquire in the said Town of Sarnia for the purposes of and to be used in connection with their business, shall for the portion of said period of twenty years which shall not then have elapsed, be assessed annually for the same amount as the assessment thereof in the year next before the same shall be so purchased, and which said assessment of property which may be so hereafter acquired, shall be in addition to the said fixed assessment of \$30,000.

3rd.—Should the said Company, their successors or assigns, fail in any year during said term to carry on the said works on the said lands for at least eight months thereof or to employ at least thirty persons therein for eight months in any year, the Town of Sarnia may in the next year after such default and as often as such default shall be made, assess the said real and personal property as if this by-law and any act validating the same had not been passed; but the said Company, their successors and assigns, shall upon payment of the taxes levied upon the assessment made by reason of such default be thereafter entitled to the benefit of the assessment fixed by this by-law upon compliance with the conditions thereof.

4th.—Nothing herein contained shall operate to exempt the said lands from the payment of local improvement rates properly levied thereon.

5th.—By-laws numbers 452, 453 and 461, of 1897, for the Town of Sarnia, being by-laws to exempt the Bushnell Company Limited, from the payment of Municipal taxes, shall upon the passing of an act in the Legislature of the Province of Ontario validating and affirming this by-law be hereby repealed.

6th clause.—That all labor employed shall become residents of the town.

Passed this 14th day of November, 1893.



Signed, D. BARR,
Reeve.

J. D. STEWART,
Town Clerk.

SCHEDULE B.

(Section 2).

No. 489.

A By-law to fix the assessment of the Sarnia Salt Company, Limited, at \$3,000 for twenty years on certain conditions.

Whereas the Sarnia Salt Company, Limited, has represented that if the Town of Sarnia will fix the assessment of the assessable property of said Company at the sum of \$3,000 for the period of twenty years from the first day of January, 1899, the said Company will enlarge and improve the

salt works of the said Company on the lands of the Grand Trunk Railway Company of Canada, in the town of Sarnia, and will operate the said works for at least eight months in each year during said period and will employ at least twenty persons at said works or in connection therewith.

And whereas it is expedient in the interests of the Town of Sarnia that the amount of the annual assessment of the said Company, their successors and assigns be fixed at the said sum of \$3,000 and that the said works be enlarged and operated as aforesaid.

And whereas the said Company has agreed to defray the expenses of Legislation validating and making operative this by-law.

Therefore the Municipal Council of the Town of Sarnia, subject to this by-law being validated, affirmed and made operative by the Legislature of the Province of Ontario, enacts as follows:—

1st.—That the amount of the annual assessment of all the assessable property of the said Company, their successors and assigns employed in or in connection with or the product of the works and manufacturies so carried on and operated shall for all purposes, including school taxes, be fixed at the sum of \$3,000 for the period of twenty years from and including the first day of January, 1899.

2nd.—That all property which the said Company, their successors or assigns shall hereafter acquire in the said Town of Sarnia for the purposes of and to be used in connection with their business of manufacturing salt and by-products thereof shall for the portion of said term of twenty years, which shall not then have elapsed, be assessed annually thereafter for the same amount as the assessment thereof in the year next before the same shall be so acquired and which said assessment of property, that may be so hereafter acquired, shall be in addition to the said fixed assessment of three thousand dollars.

3rd.—Should the said Company, their successors or assigns, fail in any year during said term to carry on their said works for at least eight months thereof, or to give an aggregate employment therein equal to twenty persons per day for eight months in each year the Town of Sarnia may in the next year after such default, and as often as such default shall be made, assess the assessable property of the said Company, their successors and assigns, as if this by-law and any act validating the same had not been passed, but the said Company, their successors and assigns shall upon payment of the taxes levied upon the assessment made by reason of such default be thereafter entitled to the benefit of the assessment fixed by this by-law upon compliance thereafter with the conditions thereof.

4th —Nothing herein contained shall operate to exempt any land owned by the said Company from local improvement rates properly levied therein.

5th Clause.—That all labor employed shall become residents of the Town.

Passed this 14th day of November, A.D. 1898.

D. BARR,

Reeve.

J. D. STEWART,

Clerk.



No. 25.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to legalize and confirm by-laws 488
and 489 of the Town of Sarnia

First Reading, 15th February, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

MR. PARDEE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 26.]

BILL.

[1899.

An Act to authorize Jacob Zielinski to practice the Eclectic System of Medicine in the Province of Ontario.

WHEREAS Jacob Zielinski, of the City of Toronto, in the Preamble,
County of York, a British subject, has by his petition
set forth that he studied and practiced the Eclectic Sys-
tem of Medicine in Germany continuously for four years com-
5 mencing in 1860; that he then removed to the Province of
Ontario and continued the practice of the Eclectic System of
Medicine in the Township of Vaughan, in the County of York,
as an active practitioner until 1888; that he then removed
to the City of Toronto and continued in that active practice of
10 the Eclectic System until the spring of the year 1890; that
he is now fifty-nine years of age; that the various Acts of the
Legislature of this Province have expressly recognized the
Eclectic System of Medicine; that the said Act permitted
registration by virtue of length of actual practice without other
15 qualification; that the rules of the Medical Council printed in
1870 provided that any one who had practiced the Eclectic
System of Medicine for four years prior to 1870, should be
entitled to be registered upon proving that he had so practiced,
and upon paying a fee of not more than \$10.00; and whereas
20 the circumstances of the said case are exceptional; and whereas
it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

25 1. It shall and may be lawful for the said Jacob Zielinski Jacob Zielin-
ski authorized
to practise
Eclectic
System.
to practice the Eclectic System of Medicine in the Province
of Ontario, any law, usage or custom to the contrary notwith-
standing.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to authorize Jacob Zielinski to practice the Eclectic System of Medicine in the Province of Ontario.

First Reading.	1899.
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(Private Bill.)

Mr. HILL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 26.]

BILL.

[1899.

An Act to authorize Jacob Zielinski to practise the Eclectic System of Medicine in the Province of Ontario.

WHEREAS Jacob Zielinski, of the City of Toronto, in the Preamble, County of York, a British subject, has by his petition set forth that he studied and practised the Eclectic System of Medicine in Germany continuously for four years commencing in 1860; ^{and} and whereas it has been represented ^{that} that he then removed to the Province of Ontario and continued the practice of the Eclectic System of Medicine in the Township of Vaughan, in the County of York, as an active practitioner until 1888; *after which he* removed to the City of Toronto and continued in the active practice of the Eclectic System until the spring of the year 1890; ^{and} and whereas it is further represented ^{that} that he is now fifty-nine years of age; *and whereas* various Acts of the Legislature of this Province have expressly recognized the Eclectic System of Medicine; *and whereas* the said Act permitted registration by virtue of length of actual practice without other qualification; *and whereas* the rules of the Medical Council printed in 1870 provided that any one who had practised the Eclectic System of Medicine for four years prior to 1870, should be entitled to be registered upon proving that he had so practised, and upon paying a fee of not more than \$10; and whereas the circumstances of the said case ^{do} appear to be quite exceptional and the petitioner comes substantially within the class of those who at one time were entitled to registration on application for the purpose; ^{and} and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Jacob Zielinski authorized to practise Eclectic System.

1. ^{§ 4.} The said Jacob Zielinski is hereby authorized to practise what is known as the Eclectic System of Medicine without incurring any liability under the penal clauses of *The Ontario Medical Act* but nothing herein contained shall be deemed to authorize the said Jacob Zielinski to practise surgery or midwifery. 

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act to authorize Jacob Zielinski to practice the Eclectic System of Medicine in the Province of Ontario.

First Reading, 17th February, 1899.

(Reprinted as amended by Committee on Private Bills.

Mr. HILL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 26.]

BILL.

[1899.

An Act to authorize Jacob Zielinski to practise the Eclectic System of Medicine in the Province of Ontario.

WHEREAS Jacob Zielinski, of the City of Toronto, in the Preamble, County of York, a British subject, has by his petition set forth that he studied and practised the Eclectic System of Medicine in Germany continuously for four years commencing in *the year* 1860;⁴² and whereas it has been represented⁴³ that he then removed to the Province of Ontario and continued the practice of the Eclectic System of Medicine in the Township of Vaughan, in the County of York, as an active practitioner until *the year* 1888, *after which he* removed to the City of Toronto and continued in the active practice of the Eclectic System until the spring of the year 1890;⁴⁴ and whereas it is further represented⁴⁵ that he is now fifty-nine years of age; *and whereas* various Acts of the Legislature of this Province have expressly recognized the Eclectic System of Medicine, *and certain provisions thereof formerly* permitted registration by virtue of length of actual practice without other qualification;⁴⁶ and whereas if the said Jacob Zeilinski had made a proper application to the Eclectic Board of that time he could have secured its qualification and would have been⁴⁷ entitled to be registered upon proving that he had so practised, and upon paying a fee of not more than \$10; and whereas the circumstances of the said case⁴⁸ appear to be quite exceptional and the petitioner comes substantially within the class of those who at one time were entitled to registration on application for the purpose;⁴⁹ and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Jacob Zielinski authorized to practise Eclectic System.

1. ³⁰ The said Jacob Zielinski is hereby authorized to practise what is known as the Eclectic System of Medicine without incurring any liability under the penal clauses of *The Ontario Medical Act* but nothing herein contained shall be deemed to authorize the said Jacob Zielinski to practise surgery or midwifery. ³¹

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to authorize Jacob Zielinski to practice the Eclectic System of Medicine in the Province of Ontario.

First Reading, 17th February, 1899.
Second Reading, 17th March, 1899.

*(Reprinted as amended by Committee of
the Whole House.)*

MR. HILL.

TORONTO:
PRINTED BY I. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act respecting the Town of Seaforth

WHEREAS the corporation of the Town of Seaforth has by Preamble.
its petition prayed for leave to aid T. R. F. Case and
Company in the establishment of a pork-packing house in the
Town of Seaforth, and also to aid Robert Bell, Jr., in the
5 establishment and extension of his business of foundryman and
machinist in the Town of Seaforth by way of bonus or loans
and also by way of remission of taxes upon such pork packing
house and foundry and machine shop and the necessary lands,
machinery and plant therefor, for a period not exceeding twenty
10 years as to the municipal council of the said corporation may
seem advisable, and whereas it is expedient to grant the prayer
of the said petition.

Therefore, Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
15 as follows :—

1. It shall be lawful for the said corporation of the Town of Seaforth to pass a by-law for the purpose of raising by way of
loan on the credit of the debentures of the said corporation a
sum not exceeding in the whole \$20,000, at a rate of interest
20 not exceeding five per cent. per annum, from any person or
persons, body or bodies corporate, who may be willing to
advance the same for the purpose of aiding T. R. F. Case and
Company in the establishment of a pork-packing house in the

Power to raise
\$20,000 on
debentures
aid T. R. F
Case & Co

Town of Seaforth, which said aid may be granted and applied by way of loan upon such terms and conditions as may seem advisable to the municipal council of the said corporation.

Power to raise \$17,000 on debentures for aid to Robert Bell, Jr.

2. It shall also be lawful for the said corporation of the Town of Seaforth to pass a by-law for the purpose of raising 5 by way of loan on the credit of the debentures of the said corporation a further sum not exceeding in the whole the sum of \$17,000, at a rate of interest not exceeding five per cent. per annum, from any person or persons, body or bodies corporate, who may be willing to advance the same for the purpose of 10 aiding Robert Bell, Jr., in the establishment and extension of his business as a foundryman and machinist in the Town of Seaforth, which said aid may be granted and applied by way of loan upon such terms and conditions as may seem advisable to the municipal council of the said corporation. 15

By-laws to be subject to provision of R. S. O. cap. 223.

3. The said by-laws shall, before being finally passed, be submitted to the votes of the electors entitled to vote upon by-laws creating debts not payable within one year from the creation thereof, and shall be approved by a majority voting thereon, and the provisions as to procedure and otherwise contained in *The Municipal Act* and the amendments thereto 20 respecting by-laws creating debts, shall apply to such by-laws to be passed under the authority of this Act as if expressly incorporated therewith.

Exemption of pork-packing house and foundry, etc., from taxation.

4. The said, the municipal council of the said corporation, 25 may also from time to time, in addition to the said financial aid by by-law or by-laws passed from time to time, exempt the said pork packing house, foundry and machine shop and the necessary lands, machinery and plant used or to be used in connection therewith, from all or any part or portion of the 30 municipal taxes thereon (except school taxes) for such period or periods or succession of periods as the said municipal council may deem advisable.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Town of Seaforth.

First Reading,

(Private Bill.)

Mr. GARROW.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 27.]

BILL

[1899

An Act respecting the Town of Seaforth

WHEREAS the corporation of the Town of Seaforth has by Preamble.
its petition prayed for leave to aid T. R. F. Case and Company in the establishment of a pork-packing house in the Town of Seaforth, and also to aid Robert Bell, Jr., in the establishment and extension of his business of foundryman and machinist in the Town of Seaforth by way of loans, ~~and~~ and also to aid W. D. Van Egmond, woollen manufacturer, in the extension of his business in the Town of Seaforth; and whereas the said corporation is not now under any liability in respect of aid to any industrial enterprise, and there are no other industries of a similar nature in the said town which will be interfered with by the granting of said aid; and whereas no opposition has been offered to the said petition; ~~and~~ and whereas it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the said corporation of the Town of Seaforth to pass a by-law for the purpose of raising by way of loan on the credit of the debentures of the said corporation a sum not exceeding in the whole \$20,000, at a rate of interest not exceeding five per cent. per annum, from any person or persons, body or bodies corporate, who may be willing to advance the same for the purpose of aiding T. R. F. Case and

Power to raise
\$20,000 on
debentures
aid T. R. F
Case & Co

Company in the establishment of a pork-packing house in the Town of Seaforth, which said aid may be granted and applied by way of loan upon such terms and conditions as may seem advisable to the municipal council of the said corporation.

Power to raise \$17,000 on debentures for aid to Robert Bell, Jr.

2. It shall also be lawful for the said corporation of the Town of Seaforth to pass a by-law for the purpose of raising by way of loan on the credit of the debentures of the said corporation a further sum not exceeding in the whole the sum of \$17,000, at a rate of interest not exceeding five per cent. per annum, from any person or persons, body or bodies corporate, who may be willing to advance the same for the purpose of aiding Robert Bell, Jr., in the establishment and extension of his business as a foundryman and machinist in the Town of Seaforth; which said aid may be granted and applied by way of loan upon such terms and conditions as may seem advisable to the municipal council of the said corporation.

Power to raise \$10,000 on debentures to aid W. D. Van Egmond.

3. It shall also be lawful for the said the corporation of the Town of Seaforth, to pass a by-law for the purpose of raising by way of loan on the credit of the debentures of the said corporation a sum not exceeding in the whole \$10,000, at a rate of interest not exceeding five per cent. per annum, from any person or persons, body or bodies corporate, who may be willing to advance the same for the purpose of aiding W. D. Van Egmond, woollen manufacturer, in the extension of his business in the Town of Seaforth, which said aid may be granted and applied by way of loan, upon such terms and conditions as may seem advisable to the municipal council of the said corporation.

By-laws to be subject to provisions of R. S. O. cap. 223.

4. The said by-laws shall, before being finally passed, be submitted to the votes of the electors entitled to vote upon by-laws creating debts not payable within one year from the creation thereof, and shall be approved by not less than two-thirds of the whole number of such electors, and the provisions as to procedure and otherwise contained in *The Municipal Act* and the amendments thereto respecting by-laws creating debts, shall apply to such by-laws to be passed under the authority of this Act as if expressly incorporated therewith. Provided that the votes of the said electors shall be taken upon each of the said by-laws separately from the others.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Town of Seaforth.

First Reading, 21st February, 1899.

(*Reprinted as amended by Private Bills
Committee.*)

Mr. GARROW.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act to confirm an agreement between the Town
of Perth and the Perth Water Works Company,
Limited, and for other purposes

WHEREAS The Canadian Electric and Water Power Com-
pany, Limited, was incorporated for the purpose of
supplying the municipality of the Town of Perth with elec-
tricity for light, heat and power, and with a water supply for
domestic, fire and other purposes; and whereas a petition has
been presented by the said The Canadian Electric and Water
Power Company Limited, assignees, under an agreement be-
tween the said municipal corporation and one Alphonse
Charlebois acting on behalf of The Perth Water Works
Company, Limited, praying that an Act be passed approving
and confirming the privileges and franchises now enjoyed by
the said petitioners, and whereas it is expedient to grant the
prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of Ontario, enacts as follows:—

1. The said petitioners, their successors or assigns, are hereby declared to own, possess and enjoy the franchise for the construction and maintenance of a system of water works within the limits of the municipality of the Town of Perth, as they now exist or may at any time hereafter be extended, until such time as the said municipality concludes to purchase said system and assume the ownership thereof for its own purposes.

Preamble.

Franchise
vested in
petitioners.

Agreement
ratified.

2. The said agreement, of date February 1st, 1897, between one Alphonse Charlebois acting for himself and the proposed Perth Water Works Company, a copy of which agreement is set out in the Schedule hereto, is hereby approved, ratified and confirmed and declared to be valid and binding on the parties 5 thereto, their successors or assigns.

Sale of assets
confirmed.

3. The sale from the Perth Water Works Company, Limited, of its assets, real and personal, rights and franchises to your petitioners is hereby approved, ratified and confirmed.

4. Subject to regulations made from time to time by 10 by-law of said corporation, the privilege now enjoyed by said petitioners of erecting and maintaining electric light poles and wires within the limits of the said municipality is hereby approved, ratified and confirmed.

SCHEDULE.

This agreement made in duplicate the 1st day of February in the year of our Lord one thousand eight hundred and ninety-seven.

Between, The municipal corporation of the Town of Perth in the County of Lanark and Province of Ontario, of the first part, and Alphonse Charlebois of the City of Quebec in the Province of Quebec, Contractor, of the second part.

Whereas the said Alphonse Charlebois acting on behalf of himself and the proposed Perth Water Works Company which is to be duly incorporated under the laws of the Province of Ontario and to have its head office and chief place of business in the said Town of Perth for the purpose of supplying water within the limits of the said Town of Perth upon the terms and conditions hereinafter set forth, has agreed to establish a system of water works in the said town.

Now this agreement witnesseth, that the said Alphonse Charlebois in consideration of the powers and privileges granted to him on behalf of the said Perth Water Works Company by the by-law of the municipal council of the said corporation hereinafter referred to for himself, his heirs, executors, administrators and assigns, as well as for the said proposed Perth Water Works Company, its successors and assigns, assume all responsibilities placed on him, them or the said proposed company under said by-law and covenants, promises and agrees to and with the said corporation that he, they or the said proposed company will well, truly and faithfully perform, fulfil and carry out all the provisions, stipulations and obligations to be by him or the said Perth Water Works Company kept, observed and performed as in the said by-law set out, which by-law enacts as follows:—

1. In consideration of the public benefit to be derived therefrom and to be conferred by the said Water Works Company, the town council of the Town of Perth hereby grants for a period of twenty-five years from the time this by-law takes effect unto the said A. Charlebois on behalf of the said company, its successors, associates or assigns the exclusive right and privilege of constructing and maintaining within the limits of this municipality, as they now exist, or may hereafter be extended, a system of water works to operate and work the same, to give, supply or sell water for drinking, sprinkling, fire or other purposes, to use and enjoy

the freedom of the streets, alleys public squares, roads and all public places within the limits of the municipality, for the purpose of laying pipes, mains or other conduits and for the construction and maintenance of the said system of water works and for making excavations, repairs and extensions to the said system, from time to time to enter in to private property for the purpose of laying such pipes, and making repairs thereto whenever the same may be necessary ; the whole subject to the stipulations and conditions herein expressed.

2. Should the said Company, in prosecuting said work, require to expropriate private property it shall have the power to do so, and should it cause damage thereto, the indemnity payable by the said company shall be ascertained according to the method indicated for expropriation under the laws of the Province of Ontario, and the said company shall properly settle all claims of individual proprietors so determined to the complete exoneration of this corporation.

3. The said water works company shall not at any time break up the streets or squares in such a manner as to cause any unnecessary danger to public or private property, nor in any way prosecute or perform the work aforesaid so as to render any inconvenience to the inhabitants but shall use all proper care and diligence in the prosecution of the said work, and in such manner as to cause as little inconvenience as possible and that all proper precautions to be taken and lights placed at night by the said company at all openings and excavations as a protection to the public from accident, and that after the breaking up or opening of such streets or public squares and sidewalks from time to time respectively the said company shall as soon as possible consistent with the due and proper performance of their work, relay, replace and level such streets, public squares and sidewalks, and leave them in as good a condition as they were before such openings, breakings and excavations were made.

4. The company agrees at all times to give preference to local laborers in the construction and extension of said works all conditions being equal.

5. The said company in the laying of mains and pipes and excavating streets shall use all proper and necessary precautions to avoid interference with existing drains, and where it becomes necessary to interfere with such drains, shall after the mains and pipes are laid restore such drains to the condition in which they were prior to such interference.

6. The said municipal council hereby grants the said company an absolute exemption of municipal taxes (excluding the school taxes) in connection with the said system of water works, for the period of ten years.

7. The company will undertake to construct, complete and maintain in operation a first-class system of water works during the period of twenty-five years in such portions of said municipality as is hereinafter provided. The water is to be taken from the Tay River in the immediate vicinity of Matheson's upper bridge or above that point, with an intake pipe of sufficient capacity to supply the pumps and machinery and answer all requirements which the company are to agree to protect from all contamination or fouling so that a supply of pure water shall always be provided to the municipality.

8. The said system of water works shall be such as will give a first-class service for the population of Perth and as will give for fire purposes such a pressure as will at all times during the said franchise satisfy the Underwriters Association for Class C in the Underwriters Insurance classification.

9. It is expressly stipulated that the main pipes of the said system shall be of cast iron, cast vertically and tested to 300 lbs. pressure and of such size dimensions and weight as to give the best results in the distribution of the water, but no pipes of a less diameter than four inches will be used except with the consent of the Water Works Committee.

10. The said company will erect a good stone or brick building as a pumping station thoroughly fire proof with slate or iron roof and a smoke stack of sufficient height to secure a good draught, such building to be of such dimensions as to contain necessary machinery for the purpose of said system.

11. The pumping power, pumps and all accessories will be of the most improved types in duplicate and each pump will be of sufficient capacity when pumping directly into the mains to give for fire purposes water pressure of sufficient power and capacity to concentrate three streams, each through three hundred feet of two and one-half inch hose and one and a quarter inch nozzle and to throw the same over any building in any of the business portions of the town, but not less than one hundred and twenty feet horizontally, and to give a water pressure at the town hall of one hundred and twenty pounds to the square inch, and throughout the entire system to meet all the requirements of the Underwriters Association for Class C said machinery to be kept in good order and equal to the said requirements during the whole period of said franchise.

12. It is understood that the trenches shall not be less than five and one-half feet below the top of the streets.

13. The said company shall excavate the streets and properly lay not less than thirty-seven hundred feet of ten inch pipe, fifteen hundred feet of eight inch pipe, thirteen thousand feet of six inch pipe and thirteen thousand four hundred and eighty feet of four inch pipe, all inside measurement with sufficient large pipes from the pumping station to main branches to produce the best results in the distribution of the water. Such pipes to be laid in such streets as may be agreed upon by the engineers appointed by the said Corporation and the said company. It being understood that plans shall be prepared by the Company's engineer and submitted to the engineer appointed by the Corporation for his approval on or before the first day of April 1897 the said company agreeing to substitute pipes of any of the sizes hereinbefore mentioned in quantities different from those so mentioned whenever such changes are considered necessary by the engineer acting on behalf of the Town to secure the efficiency of the said system.

14. All materials, articles, connections and appliances in connection with the said system of water works shall be of the best and most approved description and shall be fitted and placed in the most workmanlike manner and the entire works and materials shall at any and all times during the progress of construction of the said system and extension thereof be subject to the inspection and approval of the Council of the Corporation as being in accordance with the terms of this by-law.

15. The laying of the pipes from the mains in the nearest streets where the system extends shall be made at the expense of the consumers themselves, the connection with the main pipe will in all cases be made by the company.

16. The whole system of water works will be constructed and operated by the company, and is to constitute for this municipality or the tax payers no other charge than the payment of the water tax hereinafter authorized and the annual payment hereafter provided for by the Corporation.

17. The water may be used in the houses to which it is supplied or the stables, lawns and gardens in connection therewith and for all domestic purposes excepting for any motive power of any kind whatever. All pumping and fixtures to be paid for by the user, but no person shall be compelled to take and pay for water unless he so desires. Notwithstanding the above stipulations it will not be lawful for any subscriber to allow or permit any non-subscriber to take or carry away water on or from his or their premises or to wantonly waste water for any reason whatever, under a penalty or fine of not less than five dollars for each infraction of

the above regulation, and the company will have the right at all times when required between ten o'clock in the forenoon and three o'clock in afternoon to visit and inspect all premises that are supplied with water.

18. The company undertakes within three months at any time convenient from the first day of May to the first day of November in any year, after requisition in writing from interested proprietors to extend its system to any other streets of the municipality upon the assurance of a regular yearly additional revenue, equal to six per cent. on the cost of said extension during first two years; this council assuming no liabilities or guarantee respecting the prospective revenue upon such extension, the company satisfying itself of such revenue may voluntarily make such extension from time to time as they may deem necessary provided the municipality be first notified thereof at least ten days in advance.

19. The company shall not charge persons requiring the water any greater rates than the following for the purposes mentioned in Clause 17 of this by-law :—

Class A.—For properties assessed up to five hundred (\$500.00), \$5.00 per annum.

Class B.—For properties assessed from \$500.00 to \$2,000.00, \$5.00 per annum for first \$500.00 and \$1.00 additional for each extra \$150.00 valuation or fraction thereof.

Class C.—For properties assessed from \$2,000.00 to \$6,000.00 \$15 per annum for the first \$2,000.00 and 25 cts. additional for each extra \$100 or fraction thereof.

Class D.—For properties assessed from \$6,000.00 upward \$25.00 per annum for first \$6,000.00 and 12½ cts. for each extra \$100 valuation or fraction thereof.

Special rates may be charged railway companies, factories, laundries, hotels, stores, shops of all kinds, public buildings, mills, builders and contractors and other large concerns such rates to be fixed by mutual agreement or by metric measurement or otherwise by arbitration as hereinafter mentioned.

20. The said company at its own expense shall furnish, construct and maintain in the streets where mains are to be laid forty double nozzle hydrants of the latest or most improved patterns with suitable threading for two and one-half inch hose in such locations as said corporation may direct at the time or before the construction of the works. But no hydrant shall at any time be placed on any pipe of a less diameter than six inches without the consent of the waterworks committee of the said municipal council.

21. In consideration of the construction, maintenance and use of said hydrants the corporation will pay annually on the fifteenth day of December the sum of thirty-five dollars for each and every one of the forty hydrants during the first five years and twenty five dollars per annum for the remaining period of the franchise and the company shall furnish such additional hydrants as may be required at the above mentioned rates, providing such demands for hydrants be made between the first day of May and the first day of November, and the corporation may use all hydrants for fire, sprinkling and municipal purposes and also for flushing the actually existing drains and all extensions thereof provided the water system extends thereto, but must not allow any person to interfere with or take water from any such hydrants other than for the purposes above mentioned.

22. The company will be at liberty to fix the mode of payment of water rates according to its own convenience provided that the payments be not exacted more frequently than quarterly in advance.

23. The company agrees during the term of said franchise to protect the public in the use of the streets of the said town from all possible damage or accident arising from the construction, extension or repairing of said water works, and to save harmless the said Corporation from any legal liability arising from such construction, extension or repairing or in any way connected therewith and during such construction, extension or repairing of the said system to provide good and sufficient ingress and egress to and from private properties.

24. It is understood that should there be at any time a failure in the supply of water to any hydrant, or to any house or property from any negligence on the part of the company except in cases where on account of breakage or leakage the supply may be stopped temporarily to permit of the necessary repairs, then the parties who may be liable to pay for water rates, shall not be required to pay any sum for water during the time the same has been stopped, and the company shall deduct a proportionate amount from the sum or sums agreed to be paid for such water rates; proof of a failure of water in the case of hydrants, and of failure of water, and that the connections and pipes to and in any house, in the case of private property are in proper working order; shall be sufficient prima facie evidence of negligence on the part of the company.

25. And it is also further understood that if the said company shall except through vis major for three days make default in so maintaining the system as to give the best results for fire purposes, then and in such an event the Council of the town, upon and after giving three days notice shall have full power and authority to deduct from the payment to the said company the sum of twenty-five dollars per day as liquidated damages for each and every day thereafter during which such insufficiency shall continue.

26. The company shall on completion of the said works or of any extension thereof, or within one month thereafter deliver to the corporation a sworn statement or statements by some responsible officer or officers of the company, acquainted with the facts, setting out in detail the cost of the material and labor used and expended in the said construction or extension and shall if and when required by the said corporation furnish vouchers for any and all expenditures included in such statement or statements, but there shall not be included in any such statement or statements as part of the costs of the construction or extension aforesaid any sums or fees paid to the engineer or engineers of the company beyond the sum of \$1,500.00 and any material supplied to the said company shall not be charged for in such statement or statements at any greater price than that at which the same or similar material, equally efficient, can be purchased at the time of such construction or extension; and such statements so delivered as aforesaid shall be conclusive upon the said company as to the cost of such construction or extension.

27. At any time within three months after the expiration of twelve years from the commencement of the supply of water by the said company the corporation may notify the said company in writing that it is the intention of the said corporation to purchase said system of water works, and upon such notice the corporation may purchase said system of water works at a price equal to the cost of the construction of said system, and all extensions thereof, with an advance or bonus of ten per cent. on the cost of all land purchased for and material and labor used and expended in the construction of said system and all extensions thereof, of the costs of which sworn statements have been delivered by persons and within the time hereinbefore mentioned, and in case of disagreement as to the whole of such cost or part thereof, the same shall be determined by three arbitrators appointed as hereinafter mentioned, but upon any such arbitration the said company shall be precluded from stating that the cost of such construction or extension is greater than is set out in the sworn statement or statements in the preceding paragraph hereof mentioned.

28. The purchase price at all times to be arrived at without regard to monopoly, revenue, franchise or depreciation and with regard only to the cost and bonus as aforesaid, by agreement or by three arbitrators, one being named by the corporation, one by the company and the third arbitrator by the two others or by the county judge of the County of Lanark for the time being, in case of disagreement. Should the third arbitrator be appointed by the county judge he shall be required to be completely disinterested, either as a taxpayer or otherwise. After such arbitration, should the corporation decide not to purchase the said system at the price fixed by the arbitrators, the town shall pay all costs in connection therewith, and will not have the option of a new arbitration before five additional years have elapsed and so on until they decide upon the acceptance of the award to be made as above mentioned.

29. The Company shall in good faith commence the construction of the said works by the month of June next and shall have then completed in the month of November next unless prevented by unforeseen and uncontrollable circumstances, and in default of the commencement or final completion of the work as aforesaid, except for reasons stated, all the powers, authorities and privileges granted by this by-law shall be forfeited.

30. Before beginning to dig or excavate the streets, materials appropriate to the work, to the value of at least two thousand dollars shall be delivered by the Company in Perth and all such materials shall be deemed to be pledged as security for the carrying out by the Company of all its undertakings regarding construction.

31. The Company may transfer, sell or dispose of said system at any time, provided all the obligations of the Company towards this council and the ratepayers are integrally and absolutely assumed by the transferee and subject to the privileges of the council herein provided for.

32. Any difficulty arising between the company and interested parties shall be settled by arbitration, the company naming one arbitrator and the said interested parties with whom said difficulty may exist naming one arbitrator and these two arbitrators shall name a third and in case of dispute as to the appointment of the third arbitrator, he shall be appointed by the County Judge of the County of Lanark and chosen among persons totally disinterested as ratepayers or otherwise.

33. The company shall bear all responsibility regarding claims to damages which may arise through the construction, maintenance or working of the said system of water works and all extensions thereof.

34. Wherever in this by-law the words "The Company" occur, they are to apply to any person or company being in possession of, or having assumed all responsibilities in connection with the said system.

35. An agreement is to be executed between the said A. Charlebois representing the company and the corporation, based upon this by-law without delay, after the passing of this by-law and the mayor and the town clerk are hereby authorized to execute and sign such contract in the name of and on behalf of this corporation.

36. This by-law will take effect from the day that an agreement based thereon shall be executed between the corporation and the company.

The said Charlebois for the consideration aforesaid on behalf of himself, his heirs, executors, administrators and assigns further covenants and agrees to and with the said corporation that he or they will on or before the 1st day of April, A.D. 1897, submit to the engineer, to be appointed by the said corporation, for his approval the plan of the said Charlebois for the distribution of water throughout the town, showing thereon the sizes and location of all pipes to be used and all necessary details (including location of hydrants as determined by the council of the corporation) to enable the said engineers to form a proper judgment as to the efficiency of the said system of water distribution for both fire and domestic pur-

poses, and that he or they will before the commencement of work obtain the approval to the said plan or modifications thereof, of the said engineer who shall be at liberty, notwithstanding clause "thirteen" of the by-law to require the use of pipes of the different sizes mentioned in said clause, in different quantities to those mentioned in the said clause, if in his opinion change is necessary to secure the efficiency of the said system, provided however that any such changes shall not increase the quantity of pipes beyond six miles.

The said Charlebois further covenants in manner aforesaid with the said corporation that he will, well and faithfully and in proper workmanlike manner build, construct, equip and maintain the said system of water works in accordance with the terms of the said by-law, this agreement and the plan to be approved by the engineer of the corporation as aforesaid; and that upon failure to complete the said system of water works in accordance with the terms of the said by-law and this agreement within one month from the time fixed for the final completion thereof, he will well and truly pay or cause to be paid to the said corporation the sum of two thousand dollars as liquidated damages (and not as penalty) for breach of his agreement as to time, for completion of the said works and that this clause shall not be taken or deemed to be or grant any extension of the time mentioned in the said by-law for completion of the said system of water works, but all rights, powers and privileges accruing to the said corporation upon failure to complete the said system within the time defined in the said by-law may notwithstanding this clause and in addition thereto be exercised by the said corporation of the council thereof.

In witness whereof, the mayor and the clerk of the said corporation have hereunto set their hands and affixed the corporate seal of the said corporation, and the said A. Charlebois representing the said proposed Perth Water Works Company has hereunto set his hand.

Signed, sealed and delivered in
the presence of

(Sgd.) JOSEPH MIGNAULT.

(Sgd.) J. A. ALLAN,
Mayor. [Seal.]
(Sgd.) Jno. A. KERR,
Town Clerk.
(Sgd.) A. CHARLEBOIS. [Seal.]

NO. 28.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act to confirm an agreement between the Town of Perth and the Perth Water Works Company, limited, and for other purposes.

First Reading, , 1899.

(Private Bill.)

Mr. LUMSDEN.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the Queen's Most Excellent Majesty.

An Act to confirm an agreement between the Town
of Perth and the Perth Water Works Company,
Limited, and for other purposes

WHEREAS The Canadian Electric and Water Power Com- Preamble.
pany, Limited, was incorporated for the purpose of
supplying the municipality of The Town of Perth with elec-
tricity for light, heat and power, and with a water supply for
domestic, fire and other purposes ; and whereas a petition has
been presented by the said The Canadian Electric and Water
Power Company Limited, assignees, under an agreement be-
tween the said municipal corporation and one Alphonse
Charlebois acting on behalf of The Perth Water Works
Company, Limited, praying that an Act be passed approving
and confirming the privileges and franchises ^{and} conferred by
the said agreement ^{and} and whereas it is expedient to grant the
prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. The agreement of the first day of February, 1897, between Agreement confirmed.
the municipal corporation of the town of Perth and Alphonse
Charlebois, a copy of which is set forth in Schedule “A” to
this Act, and which by endorsement thereon also set forth in
the said schedule, was assigned to the Perth Water-works

Company, Limited, and which was further assigned by the last mentioned company to The Canadian Electric and Water Power Company, Limited, by deed dated the 14th day of June, 1898 which is set forth in Schedule "B" to this Act, is hereby ratified, confirmed and declared to be valid and binding upon the Town of Perth and The Canadian Electric and Water Power Company, Limited, as if the said agreement had originally been made with the said last mentioned company.

SCHEDULE. A.

This agreement made in duplicate the 1st day of February in the year of our Lord one thousand eight hundred and ninety-seven.

Between, The municipal corporation of the Town of Perth in the County of Lanark and Province of Ontario, of the first part, and Alphonse Charlebois of the City of Quebec in the Province of Quebec, Contractor, of the second part.

Whereas the said Alphonse Charlebois acting on behalf of himself and the proposed Perth Water Works Company which is to be duly incorporated under the laws of the Province of Ontario and to have its head office and chief place of business in the said Town of Perth for the purpose of supplying water within the limits of the said Town of Perth upon the terms and conditions hereinafter set forth, has agreed to establish a system of water works in the said town.

Now this agreement witnesseth, that the said Alphonse Charlebois in consideration of the powers and privileges granted to him on behalf of the said Perth Water Works Company by the by-law of the municipal council of the said corporation hereinafter referred to for himself, his heirs, executors administrators and assigns, as well as for the said proposed Perth Water Works Company, its successors and assigns, assume all responsibilities placed on him, them or the said proposed company under said by-law and covenants, promises and agrees to and with the said corporation that he, they or the said proposed company will well, truly and faithfully perform, fulfil and carry out all the provisions, stipulations and obligations to be by him or the said Perth Water Works Company kept, observed and performed as in the said by-law set out, which by-law enacts as follows :—

1. In consideration of the public benefit to be derived therefrom and to be conferred by the said Water Works Company, the town council of the Town of Perth hereby grants for a period of twenty-five years from the time this by-law takes effect unto the said A. Charlebois on behalf of the said company, its successors, associates or assigns the exclusive right and privilege of constructing and maintaining within the limits of this municipality, as they now exist, or may hereafter be extended, a system of water works to operate and work the same, to give, supply or sell water for drinking, sprinkling, fire or other purposes, to use and enjoy the freedom of the streets, alleys public squares, roads and all public places within the limits of this municipality, for the purpose of laying pipes, mains or other conduits and for the construction and maintenance of the said system of water works and for making excavations, repairs and extensions to the said system, from time to time to enter in to private property for the purpose of laying such pipes, and making repairs thereto whenever the same may be necessary ; the whole subject to the stipulations and conditions herein expressed.

2. Should the said Company, in prosecuting said work, require to expropriate private property it shall have the power to do so, and should it cause damage thereto, the indemnity payable by the said company shall be ascertained according to the method indicated for expropriation under the laws of the Province of Ontario, and the said company shall properly settle all claims of individual proprietors so determined to the complete exoneration of this corporation.

3. The said water works company shall not at any time break up the streets or squares in such a manner as to cause any unnecessary danger to public or private property, nor in any way prosecute or perform the work aforesaid so as to render any inconvenience to the inhabitants but shall use all proper care and diligence in the prosecution of the said work, and in such manner as to cause as little inconvenience as possible and that all proper precautions be taken and lights placed at night by the said company at all openings and excavations as a protection to the public from accident, and that after the breaking up or opening of such streets or public squares and sidewalks from time to time respectively the said company shall as soon as possible consistent with the due and proper performance of their work, relay, replace and level such streets, public squares and sidewalks, and leave them in as good a condition as they were before such openings, breakings and excavations were made.

4. The company agrees at all times to give preference to local laborers in the construction and extension of said works all conditions being equal.

5. The said company in the laying of mains and pipes and excavating streets shall use all proper and necessary precautions to avoid interference with existing drains, and where it becomes necessary to interfere with such drains, shall after the mains and pipes are laid restore such drains to the condition in which they were prior to such interference.

6. The said municipal council hereby grants the said company an absolute exemption of municipal taxes (excluding the school taxes) in connection with the said system of water works, for the period of ten years.

7. The company will undertake to construct, complete and maintain in operation a first-class system of water works during the period of twenty-five years in such portions of said municipality as is hereinafter provided. The water is to be taken from the Tay River in the immediate vicinity of Matheson's upper bridge or above that point, with an intake pipe of sufficient capacity to supply the pumps and machinery and answer all requirements which the company are to agree to protect from all contamination or fouling so that a supply of pure water shall always be provided to the municipality.

8. The said system of water works shall be such as will give a first-class service for the population of Perth and as will give for fire purposes such a pressure as will at all times during the said franchise satisfy the Underwriters Association for Class C in the Underwriters Insurance classification.

9. It is expressly stipulated that the main pipes of the said system shall be of cast iron, cast vertically and tested to 300 lbs. pressure and of such size, dimensions and weight as to give the best results in the distribution of the water, but no pipes of a less diameter than four inches will be used except with the consent of the Water Works Committee.

10. The said company will erect a good stone or brick building as a pumping station thoroughly fire proof with slate or iron roof and a smoke stack of sufficient height to secure a good draught, such building to be of such dimensions as to contain necessary machinery for the purpose of said system.

11. The pumping power, pumps and all accessories will be of the most improved types in duplicate and each pump will be of sufficient capacity when pumping directly into the mains to give for fire purposes water pressure of sufficient power and capacity to concentrate three streams, each through three hundred feet of two and one-half inch hose and one and a quarter inch nozzle and to throw the same over any building in any

of the business portions of the town, but not less than one hundred and twenty feet horizontally, and to give a water pressure at the town hall of one hundred and twenty pounds to the square inch, and throughout the entire system to meet all the requirements of the Underwriters Association for Class C said machinery to be kept in good order and equal to the said requirements during the whole period of said franchise.

12. It is understood that the trenches shall not be less than five and one-half feet below the top of the streets.

13. The said company shall excavate the streets and properly lay not less than thirty-seven hundred feet of ten inch pipe, fifteen hundred feet of eight inch pipe, thirteen thousand feet of six inch pipe and thirteen thousand four hundred and eighty feet of four inch pipe, all inside measurement with sufficient large pipes from the pumping station to main branches to produce the best results in the distribution of the water. Such pipes to be laid in such streets as may be agreed upon by the engineers appointed by the said Corporation and the said company. It being understood that plans shall be prepared by the Company's engineer and submitted to the engineer appointed by the Corporation for his approval on or before the first day of April 1897 the said company agreeing to substitute pipes of any of the sizes hereinbefore mentioned in quantities different from those so mentioned whenever such changes are considered necessary by the engineer acting on behalf of the Town to secure the efficiency of the said system.

14. All materials, articles, connections and appliances in connection with the said system of water works shall be of the best and most approved description and shall be fitted and placed in the most workmanlike manner and the entire works and materials shall at any and all times during the progress of construction of the said system and extension thereof be subject to the inspection and approval of the Council of the Corporation as being in accordance with the terms of this by-law,

15. The laying of the pipes from the mains in the nearest streets where the system extends shall be made at the expense of the consumers themselves, the connection with the main pipe will in all cases be made by the company.

16. The whole system of water works will be constructed and operated by the company, and is to constitute for this municipality or the tax payers no other charge than the payment of the water tax hereinafter authorized and of the annual payment hereafter provided for by the corporation.

17. The water may be used in the houses to which it is supplied or the stables, lawns and gardens in connection therewith and for all domestic purposes excepting for any motive power of any kind whatever. All plumbing and fixtures to be paid for by the user, but no person shall be compelled to take and pay for water unless he so desires. Notwithstanding the above stipulations it will not be lawful for any subscriber to allow or permit any non-subscriber to take or carry away water on or from his or their premises or to wantonly waste water for any reason whatever, under a penalty or fine of not less than five dollars for each infraction of the above regulation, and the company will have the right at all times when required between ten o'clock in the forenoon and three o'clock in afternoon to visit and inspect all premises that are supplied with water.

18. The company undertakes within three months at any time convenient from the first day of May to the first day of November in any year, after requisition in writing from interested proprietors to extend its system to any other streets of the municipality upon the assurance of a regular yearly additional revenue, equal to six per cent. on the cost of said extension during first two years; this council assuming no liabilities or guarantee respecting the prospective revenue upon such extension, the company satisfying itself of such revenue may voluntarily make such extension from time to time as they may deem necessary provided the municipality be first notified thereof at least ten days in advance.

19. The company shall not charge persons requiring the water any greater rates than the following for the purposes mentioned in Clause 17 of this by-law : —

Class A.—For properties assessed up to five hundred (\$500.00), \$5.00 per annum.

Class B.—For properties assessed from \$500.00 to \$2,000.00, \$5 00 per annum for first \$500.00 and \$1.00 additional for each extra \$150.00 valuation or fraction thereof.

Class C.—For properties assessed from \$2,000.00 to \$6,000.00 \$15 per annum for the first \$2,000.00 and 25 cts. additional for each extra \$100 or fraction thereof.

Class D.—For properties assessed from \$6,000.00 upward \$25.00 per annum for the first \$6,000.00 and 12½ cts. for each extra \$100 valuation or fraction thereof.

Special rates may be charged railway companies, factories, laundries, hotels, stores, shops of all kinds, public buildings, mills, builders and contractors and other large concerns such rates to be fixed by mutual agreement or by metric measurement or otherwise by arbitration as hereinafter mentioned.

20. The said company at its own expense shall furnish, construct and maintain in the streets where mains are to be laid forty double nozzle hydrants of the latest or most improved patterns with suitable threading for two and one-half inch hose in such locations as said corporation may direct at the time of or before the construction of the works. But no hydrant shall at any time be placed on any pipe of a less diameter than six inches without the consent of the waterworks committee of the said municipal council.

21. In consideration of the construction, maintenance and use of said hydrants the corporation will pay annually on the fifteenth day of December the sum of thirty-five dollars for each and every one of the forty hydrants during the first five years and twenty-five dollars per annum for the remaining period of the franchise and the company shall furnish such additional hydrants as may be required at the above mentioned rates, providing such demands for hydrants be made between the first day of May and the first day of November, and the corporation may use all hydrants for fire, sprinkling and municipal purposes and also for flushing the actually existing drains and all extensions thereof provided the water system extends thereto, but must not allow any person to interfere with or take water from any such hydrants other than for the purposes above mentioned.

22. The company will be at liberty to fix the mode of payment of water rates according to its own convenience provided that the payments be not exacted more frequently than quarterly in advance.

23. The company agrees during the term of said franchise to protect the public in the use of the streets of the said town from all possible damage or accident arising from the construction, extension or repairing of said water works, and to save harmless the said Corporation from any legal liability arising from such construction, extension or repairing or in any way connected therewith and during such construction, extension or repairing of the said system to provide good and sufficient ingress and egress to and from private properties

24. It is understood that should there be at any time a failure in the supply of water to any hydrant, or to any house or property from any negligence on the part of the company except in cases where on account of breakage or leakage the supply may be stopped temporarily to permit of the necessary repairs, then the parties who may be liable to pay for water rates, shall not be required to pay any sum for water during the time the same has been stopped, and the company shall deduct a proportionate amount from the sum or sums agreed to be paid for such

water rates; proof of a failure of water in the case of hydrants, and of failure of water, and that the connections and pipes to and in any house, in the case of private property are in proper working order; shall be sufficient prima facie evidence of negligence on the part of the company.

25. And it is also further understood that if the said company shall except through vis major for three days make default in so maintaining the system as to give the best results for fire purposes, then and in such an event the Council of the town, upon and after giving three days notice shall have full power and authority to deduct from the payment to the said company the sum of twenty-five dollars per day as liquidated damages for each and every day thereafter during which such insufficiency shall continue.

26. The company shall on completion of the said works or of any extension thereof, or within one month thereafter deliver to the corporation a sworn statement or statements by some responsible officer or officers of the company, acquainted with the facts, setting out in detail the cost of the material and labor used and expended in the said construction or extension and shall if and when required by the said corporation furnish vouchers for any and all expenditures included in such statement or statements, but there shall not be included in any such statement or statements as part of the cost of the construction or extension aforesaid any sums or fees paid to the engineer or engineers of the company beyond the sum of \$1,500.00 and any material supplied to the said company shall not be charged for in such statement or statements at any greater price than that at which the same or similar material, equally efficient, can be purchased at the time of such construction or extension; and such statements so delivered as aforesaid shall be conclusive upon the said company as to the cost of such construction or extension.

27. At any time within three months after the expiration of twelve years from the commencement of the supply of water by the said company the corporation may notify the said company in writing that it is the intention of the said corporation to purchase said system of water works, and upon such notice the corporation may purchase said system of water works at a price equal to the cost of the construction of said system, and all extensions thereof, with an advance or bonus of ten per cent. on the cost of all land purchased for and material and labor used and expended in the construction of said system and all extensions thereof, of the costs of which sworn statements have been delivered by persons and within the time hereinbefore mentioned, and in case of disagreement as to the whole of such cost or part thereof, the same shall be determined by three arbitrators appointed as hereinafter mentioned, but upon any such arbitration the said company shall be precluded from stating that the cost of such construction or extension is greater than is set out in the sworn statement or statements in the preceding paragraph hereof mentioned.

28. The purchase price at all times to be arrived at without regard to monopoly, revenue, franchise or depreciation and with regard only to the cost and bonus as aforesaid, by agreement or by three arbitrators, one being named by the corporation, one by the company and the third arbitrator by the two others or by the county judge of the County of Lanark for the time being, in case of disagreement. Should the third arbitrator be appointed by the county judge he shall be required to be completely disinterested, either as a taxpayer or otherwise. After such arbitration, should the corporation decide not to purchase the said system at the price fixed by the arbitrators, the town shall pay all costs in connection therewith, and will not have the option of a new arbitration before five additional years have elapsed and so on until they decide upon the acceptance of the award to be made as above mentioned.

29. The Company shall in good faith commence the construction of the said works by the month of June next and shall have them completed in the month of November next unless prevented by unforeseen and uncon-

trollable circumstances, and in default of the commencement or final completion of the work as aforesaid, except for reasons stated, all the powers, authorities and privileges granted by this by-law shall be forfeited.

30. Before beginning to dig or excavate the streets, materials appropriate to the work, to the value of at least two thousand dollars shall be delivered by the Company in Perth and all such materials shall be deemed to be pledged as security for the carrying out by the Company of all its undertakings regarding construction.

31. The Company may transfer, sell or dispose of said system at any time, provided all the obligations of the Company towards this council and the ratepayers are integrally and absolutely assumed by the transferee and subject to the privileges of the council herein provided for.

32. Any difficulty arising between the company and interested parties shall be settled by arbitration, the company naming one arbitrator and the said interested parties with whom said difficulty may exist naming one arbitrator and these two arbitrators shall name a third and in case of dispute as to the appointment of the third arbitrator, he shall be appointed by the County Judge of the County of Lanark and chosen among persons totally disinterested as ratepayers or otherwise.

33. The company shall bear all responsibility regarding claims to damages which may arise through the construction, maintenance or working of the said system of water works and all extensions thereof.

34. Wherever in this by-law the words "The Company" occur, they are to apply to any person or company being in possession of, or having assumed all responsibilities in connection with the said system.

35. An agreement is to be executed between the said A. Charlebois representing the company and the corporation, based upon this by-law without delay, after the passing of this by-law and the mayor and the town clerk are hereby authorized to execute and sign such contract in the name of and on behalf of this corporation.

36. This by-law will take effect from the day that an agreement based thereon shall be executed between the corporation and the company.

The said Charlebois for the consideration aforesaid on behalf of himself, his heirs, executors, administrators and assigns further covenants and agrees to and with the said corporation that he or they will on or before the 1st day of April, A.D. 1897, submit to the engineer, to be appointed by the said corporation, for his approval the plan of the said Charlebois for the distribution of water throughout the town, showing thereon the sizes and location of all pipes to be used and all necessary details (including location of hydrants as determined by the council of the corporation) to enable the said engineers to form a proper judgment as to the efficiency of the said system of water distribution for both fire and domestic purposes and that he or they will before the commencement of work obtain the approval to the said plan or modifications thereof, of the said engineer who shall be at liberty, notwithstanding clause "thirteen" of the by-law to require the use of pipes of the different sizes mentioned in said clause, in different quantities to those mentioned in the said clause, if in his opinion change is necessary to secure the efficiency of the said system, provided however that any such changes shall not increase the quantity of pipes beyond six miles.

The said Charlebois further covenants in manner aforesaid with the said corporation that he will, well and faithfully and in proper workman-like manner build, construct, equip and maintain the said system of water works in accordance with the terms of the said by-law, this agreement and the plan to be approved by the engineer of the corporation as aforesaid; and that upon failure to complete the said system of water works in accordance with the terms of the said by-law and this agreement within one month from the time fixed for the final completion

thereof, he will well and truly pay or cause to be paid to the said corporation the sum of two thousand dollars as liquidated damages (and not as penalty) for breach of this agreement as to time, for completion of the said works and that this clause shall not be taken or deemed to be or grant any extension of the time mentioned in the said by-law for completion of the said system of water works, but all rights, powers and privileges accruing to the said corporation upon failure to complete the said system within the time defined in the said by-law may notwithstanding this clause and in addition thereto be exercised by the said corporation of the council thereof.

In witness whereof, the mayor and the clerk of the said corporation have hereunto set their hands and affixed the corporate seal of the said corporation, and the said A. Charlebois representing the said proposed Perth Water Works Company has hereunto set his hand.

Signed, sealed and delivered in the presence of (Sgd.) JOSEPH MIGNAULT.	{	(Sgd.) J. A. ALLAN, Mayor.	[Seal.]
		(Sgd.) JNO. A. KERR, Town Clerk.	
		(Sgd.) A. CHARLEBOIS.	[Seal.]

For value received I hereby assign, transfer and set over unto the Perth Water Works Company, Limited, all my right, title and interest whatsoever in and to the within contract between the municipal corporation of the town of Perth and myself, dated February 1st, 1897, and all benefits and advantages whatever arising thereunder, either in the way of the franchise or otherwise howsoever.

Dated June 14th, 1898.

A. CHARLEBOIS. [Seal.]

Witness : R. G. CODE.

SCHEDULE B.

MEMORANDUM of Agreement made and entered into this 14th day of June A. D., 1898, between The Perth Water Works Company, Limited, of the first part, and The Canadian Electric and Water Power Company, Limited, of the second part.

Whereas the said Company of the first part owns and operates at the Town of Perth in the County of Lanark, a system of water works with all necessary apparatus, engines works, water powers and conveniences connected with said works, or any of them or incidental thereto, and possesses also for a term of years the exclusive right and privilege of maintaining within the limits of the said municipality and of operating and working the said system of water works for supplying water for drinking, sprinkling, fire and other purposes.

And whereas the said Company of the first part, have agreed to sell all their right, title and interest in and to said system of water works, and to transfer same together with said exclusive right and privilege of maintaining same; and the said Company of the second part have agreed to purchase said system of waterworks and all and everything incidental thereto.

Now this Agreement witnesseth that for and in consideration of the premises of the mutual covenants herein contained and of the sum of \$84,375.00 now paid, the parties hereto, for themselves, their successors and assigns, mutually covenant and agree as follows :—

1. The Company of the first part to assign, transfer and set over, and by these presents it doth assign, transfer and set over unto the Company of the second part, all its right, title, interest, claim and demand whatsoever in and to the system of waterworks so constructed at the Town of Perth aforesaid, and in and to all apparatus, engines, works, water powers and conveniences whatsoever connected with the said works or any of them or incidental thereto, and doth also assign, transfer and set over the exclusive right and privilege of maintaining within the limits of said municipality a system of waterworks as set out in an agreement bearing date the first day of February, 1897, between the said municipal corporation of the Town of Perth, and one Alphonse Charlebois, Contractor, which latter contract, and all rights thereunder, the Company of the first part now assigns to the Company of the second part, and the Company of the second part accepts such assignment and assumes all obligations that may or might at any time arise under said contract of date the first day of February, 1897, aforesaid.

2. The said Company of the second part to pay to the said Company of the first part the sum of eighty four thousand three hundred and seventy-five dollars (84,375.00) for the transfer of said waterworks system and all apparatus and works incidental thereto as aforesaid, said sum to be paid in cash and the receipt whereof is hereby acknowledged by the said Company of the first part.

3. The said Company of the second part as assignee of the said agreement of date the first day of February, 1897, between the municipal corporation of the Town of Perth and the said Alphonse Charlebois, assumes same and consents that it be read with and form part of this agreement; and it is the intention that the said Company of the second part be bound in all respects thereunder as were the said Charlebois or the said Company of the first part; and the said Company of the Second part do hereby indemnify and save harmless the said Charlebois or said Company of the first part of and from all liability that may or might arise under said contract with said corporation.

4. The said Company of the first part will, by deed properly executed pursuant to Statute in that behalf, convey and assure unto said Company of the second part all real estate belonging or appertaining in any way to the said system of waterworks aforesaid.

In witness whereof the said Companies have here unto affixed their corporate seals as witness the hands of their President and Secretary the day and year first above written.

The Perth Waterworks Co., Limited,*
JOHN HAGGART,
President.
W. A. ALLAN,
Secretary.

Canadian Electric and Water Power Co., Limited,
JOHN HAGGART,
President.
W. A. ALLAN,
Secretary.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to confirm an agreement between the Town of Perth and The Perth Water Works Company, Limited, and for other purposes.

First Reading, 15th February, 1899.

(Reprinted as amended by Private Bills Committee.)

Mr. LUMSDEN.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

An Act respecting the Town of Orillia

WHEREAS the council of the municipal corporation of **Preamble.**
the Town of Orillia, have by their petition, represented
that they have acquired lot number eleven in the eleventh
concession of the Township of Matchedash, and leased a certain
5 water power and privileges in connection therewith or adja-
cent thereto, at the Ragged Rapids on the River Severn in the
Township of Matchedash in the County of Simcoe, and desire
to erect, construct, build, acquire, hold, instal, maintain, and
operate all machinery, buildings, excavations, erections, dams,
10 poles, wires, equipments, and plant requisite and necessary for
the generating, supplying, furnishing and transmitting Electric
Power thereat and therefrom to the said Town of Orillia and
elsewhere, within a radius of five miles thereof, with the right
and privilege to distribute, sell and dispose thereof for lighting,
15 heating, manufacturing and other purposes and uses; and
whereas the said Council have introduced and read a first and
second time By-Law No. which said By-Law has
received the assent of a majority of the rate-payers of the said
Town of Orillia, who voted thereon, and which By-Law is fully
20 set out in Schedule "A" hereto annexed, and desire, for the
purposes aforesaid, to borrow \$75 000.00 repayable as in said
by-law fully set out; and whereas it is expedient to grant
the prayer of said petition;

Therefore Her Majesty by and with the advice and consent
25 of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

Power to instal electric plant.

1. That it shall be lawful for the municipal council of the Town of Orillia to erect, construct, build, procure, acquire, hold, instal, maintain and operate all machinery, buildings, excavations, erections, dams, poles, wires, attachments equipments, materials and plant requisite and necessary for the generating, making, supplying, furnishing and transmitting electric power at and from a certain water power and privileges on the Ragged Rapids in the River Severn adjacent to, or in connection with broken lot number eleven in the eleventh concession of the Township of Matchedash, in the County of Simcoe, to the Town of Orillia for lighting, heating, manufacturing and such other purposes and uses as shall or may be found desirable, and to distribute, sell and dispose such electric power in the Town of Orillia and elsewhere, within a radius of five miles from the outside boundary thereof, for the purposes and uses aforesaid.

Power to enter on highways, etc.

2. That it shall be lawful for the said corporation of the Town of Orillia, their servants, agents and workmen from time to time, and at such times as they shall see fit, and they are hereby authorized and empowered to enter into and upon such streets, roads, highways, lanes, or other passages and lands of the Corporation of the Townships of Orillia, Matchedash and County of Simcoe as may be necessary, and the same to cut and dig up, if necessary, and to lay down pipes, erect poles, and wires and do other works necessary for the supplying, furnishing and transmitting of said power, on, through, over, along and upon the public streets, roads, highways, lanes, passages and lands of the said corporations of the Townships of Orillia, Matchedash and County of Simcoe, between said lot eleven and the said Town of Orillia, doing as little damage as may be in the exercise of the powers hereby granted to the said Town of Orillia.

Authority to issue debentures.

3. That it shall be lawful for the corporation of the Town of Orillia for the purposes aforesaid, to pass by-law number of the said Town of Orillia, to authorize the issue of debentures of the said corporation for, and borrow a sum of money not exceeding seventy-five thousand dollars, in such sums of not less than one hundred dollars each, as the said corporation may deem expedient, which said debentures shall be made payable not more than thirty years from the day on which they respectively bear date, and may be in form in Schedule "B" to this Act set forth, which said debentures shall bear interest at a rate not exceeding four per cent. per annum, payable half yearly, and such debentures shall be signed by the mayor and the treasurer of the said Town of Orillia, for the time being, and may be made payable either in sterling currency in Great Britain, in this province or elsewhere as to the said council of the said corporation of the Town of Orillia shall seem expedient.

4. That no irregularity in the form of the said debentures or the said by-law number authorizing the issue of same, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures or interest or any or either of them, or any part thereof. Irregularity not to invalidate.

SCHEDULE A.

BY-LAW No.

For the purpose of raising by way of debentures the sum of seventy-five thousand dollars for the installation of an Electrical Power and Transmission Plant, between the "Ragged Rapids," on the Severn River, and the Town of Orillia the distribution of said power in the said town and other purposes necessary to give an efficient service for both power and light.

Whereas it is necessary and advisable to increase the present amount of electrical power for the use of the corporation of the Town of Orillia and at the same time furnish the citizens of the said town and others' with the advantages of cheap power for manufacturing and other purposes:

And whereas it will require the sum of seventy-five thousand dollars to be raised by debentures for the purpose of installing an electrical and power transmission plant, as aforesaid,

And whereas it will be requisite to raise the several sums in each year respectively set forth in the schedule to this By-Law amounting to the sum of \$4,337.26 annually over and above all other rates and assessments,

And whereas the amount of the whole rateable property of the said corporation, according to the last revised assessment roll, amounts to \$1,336,055,

And whereas the amount of the existing debenture debt of the said corporation is \$143,917.40, and no principal or interest is in arrears,

Therefore the municipal council of the corporation of the Town of Orillia by its council enacts as follows:—

1. That it shall be lawful for the mayor of the said town, for the purposes aforesaid, to borrow the said sum of seventy-five thousand dollars, and to issue debentures of the said municipality to the amount of seventy-five thousand dollars, in sums of not less than one hundred dollars each, payable in the manner, for the amounts, and at the time respectively set forth in the Schedule to this by-law.

2. That the said debentures shall have attached to them coupons for the payment of interest at the rate of four per cent. per annum, which coupons shall be signed by the mayor and the treasurer, and shall be payable half yearly during the continuance of said debentures.

3. That the said debentures as to principal and interest shall be payable at the Trader's Bank, in the Town of Orillia.

4. That it shall be lawful for the mayor of the said municipality and he is hereby authorized and instructed to sign and issue the said debentures and to cause the same and the interest coupons thereto attached to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

5. There shall be raised and levied in each year, for thirty years, by special rate on all the rateable property in the said municipality, the sum of 4,337.26, being a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debt, as the same become respectively payable according to the following schedule :—

No.	Year when Payable.	Amount of Principal.		Interest when Payable.	Interest Amount.	Total Levy Yearly.
			Aug. 14,	1899	\$1500 00	
1	1900	\$1337 26	Feb. 14,	1900	1500 00	\$4337 26
			Aug. 14,	1900	1473 26	
2	1901	1390 75	Feb. 14,	1901	1473 25	4337 26
			Aug. 14,	1901	1445 44	
3	1902	1446 38	Feb. 14,	1902	1445 44	4337 26
			Aug. 14,	1902	1416 51	
4	1903	1504 23	Feb. 14,	1903	1416 51	4337 25
			Aug. 14,	1903	1386 43	
5	1904	1564 40	Feb. 14,	1904	1386 43	4337 26
			Aug. 14,	1904	1355 14	
6	19 5	1626 98	Feb. 14,	1905	1355 14	4337 26
			Aug. 14,	1905	1322 60	
7	1906	1692 06	Feb. 14,	1906	1322 60	4337 26
			Aug. 14,	1906	1288 76	
8	1907	1759 74	Feb. 14,	1907	1288 76	4337 26
			Aug. 14,	1907	1253 56	
9	1908	1830 13	Feb. 14,	1908	1253 57	4337 26
			Aug. 14,	1908	1216 96	
10	1909	1903 33	Feb. 14,	1909	1216 96	4337 25
			Aug. 14,	1909	1178 89	
11	1910	1979 47	Feb. 14,	1910	1178 90	4337 26
			Aug. 14,	1910	1139 30	
12	1911	2058 65	Feb. 14,	1911	1139 31	4337 26
			Aug. 14,	1911	1098 13	
13	1912	2140 99	Feb. 14,	1912	1098 14	4337 26
			Aug. 14,	1912	1055 31	
14	1913	2226 63	Feb. 14,	1913	1055 31	4337 25
			Aug. 14,	1913	1010 78	
15	1914	2315 70	Feb. 14,	1914	1010 78	4337 26
			Aug. 14,	1914	964 47	
16	1915	2408 32	Feb. 14,	1915	964 46	4337 25
			Aug. 14,	1915	916 30	
17	1916	2504 66	Feb. 14,	1916	916 30	4337 26
			Aug. 14,	1916	866 20	
18	1917	2604 84	Feb. 14,	1917	866 21	4337 25
			Aug. 14,	1917	814 11	
19	1918	2709 04	Feb. 14,	1918	814 11	4337 26
			Aug. 14,	1918	759 93	
20	1919	2817 40	Feb. 14,	1919	759 93	4337 26
			Aug. 14,	1919	703 58	
21	1920	2930 09	Feb. 14,	1920	703 58	4337 25
			Aug. 14,	1920	644 98	
22	1921	3047 30	Feb. 14,	1921	644 98	4337 26

No.	Year when Payable.	Amount of Principal.		Interest when Payable.	Interest Amount.	Total Levy Yearly.
23	1922	\$3169 19	Aug. 14,	1921	\$584 03	
			Feb. 14,	1922	584 04	\$4337 26
24	1923	3295 96	Aug. 14,	1922	520 65	
			Feb. 14,	1923	520 65	4337 26
25	1924	3427 80	Aug. 14,	1923	454 73	
			Feb. 14,	1924	454 73	4337 26
26	1925	3564 91	Aug. 14,	1924	386 17	
			Feb. 14,	1925	386 18	4337 26
27	1926	3707 50	Aug. 14,	1925	314 87	
			Feb. 14,	1926	314 88	4337 25
28	1927	3855 81	Aug. 14,	1926	240 72	
			Feb. 14,	1927	240 73	4337 26
29	1928	4010 04	Aug. 14,	1927	163 61	
			Feb. 14,	1928	163 61	4337 26
30	1929	4170 44	Aug. 14,	1928	83 41	
			Feb. 14,	1929	83 41	4337 26

This by-law shall take effect on the fourteenth day of February A.D. 1899.

7. The vote of the ratepayers of the said municipality shall be taken on this by-law at the following times and places, that is to say on Monday, the sixth day of February, A.D. 1899, at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon of the same day at the south ward on first polling sub-division at J. D. Fortier's shop on Peter street and that James B. Henderson shall be deputy returning officer; at the north ward or second polling sub-division at the fire hall on Peter street and that Fred Webber shall be the deputy returning officer; at the west ward or third polling sub-division at the new council chambers, on West street, and that W. T. Y. Lee shall be the deputy returning officer.

8. On the fourth day of February, 1899, the mayor shall attend at the council chambers at ten o'clock in the forenoon to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in promoting or opposing the passing of this by-law.

9. The clerk of the council of the said municipality shall attend at the council chambers, in the Town of Orillia at twelve o'clock noon of the seventh day of February, A.D. 1899, and sum up the number of votes given for and against this by-law.

Dated at the Town of Orillia, this day of _____, A.D. 1899.

Take notice that the above is a true copy of a proposed by-law which has been taken into consideration and which will be finally passed by the Council of the Town of Orillia (in the event of the assent of the electors being obtained thereto) after one month from the first publication in the News-Letter newspaper, which date was Thursday, January 12, 1899, and at the hour, day, place or places therein fixed for taking the votes of the electors the polls will be held.

C. E. GRANT,
Clerk Town of Orillia.

SCHEDULE B.

TOWN OF ORILLIA LOAN DEBENTURE NO.

Under and by virtue of the Act passed in the sixty-second year of the reign of Her Majesty Queen Victoria, and chaptered and by virtue of By-law No. of the corporation of the Town of Orillia, passed under the provisions of the said Act, the corporation of the Town of Orillia promises to pay the bearer, at the Traders' Bank of Canada in the said Town of Orillia, the sum of dollars on the day of A.D. 18 and the half yearly coupons hereto attached, as the same shall severally become due.

Dated at Orillia, in the County of Simcoe, this day of A.D. 1899.

{ L.S. }

Mayor.

Treasurer.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Town of Orillia.

First Reading, , 1899.

(Private Bill.)

Mr. MISCAMPBELL.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 29.]

BILL.

[1899.

An Act respecting the Town of Orillia

WHEREAS the council of the municipal corporation of Preamble.
the Town of Orillia, have by their petition, represented
that they have acquired lot number eleven in the eleventh
concession of the Township of Matchedash, and leased a certain
water power and priveleges in connection therewith or adja-
cent thereto, at the Ragged Rapids on the River Severn in the
Township of Matchedash in the County of Simcoe, and desire
to erect, construct, build, acquire, hold, instal, maintain, and
operate all machinery, buildings, excavations, erections, dams,
poles, wires, equipments, and plant requisite and necessary for
the generating, supplying, furnishing and transmitting Electric
Power thereat and therefrom to the said Town of Orillia and
elsewhere, within a radius of five miles thereof, with the right
and privilege to distribute, sell and dispose thereof for lighting,
heating, manufacturing and other purposes and uses; and
whereas the said Council have introduced and read a first and
second time By-Law No. which said By-Law has
received the assent of a majority of the rate-payers of the said
Town of Orillia, who voted thereon,^{and} only sixty-five ratepayers
having voted against same, while over three hundred and fifty
voted for same^{and} and which By-Law is fully set out in Schedule
“ A ” hereto annexed, and desire, for the purposes aforesaid,
to borrow \$75 000 repayable as in said by-law fully set out;
^{and} and whereas it has been shown that the said corporation
has for several years past been operating a system of electric
lighting under the management and control of the municipal
council of the said corporation;^{and} and whereas it is expedient
to grant the prayer of said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to instal electric plant.

1. That it shall be lawful for the municipal council of the Town of Orillia to erect, construct, build, procure, acquire, hold, instal, maintain and operate all machinery, buildings, excavations, erections, dams, poles, wires, attachments equipments, materials and plant requisite and necessary for the generating, making, supplying, furnishing and transmitting electric power at and from a certain water power and privileges on the Ragged Rapids in the River Severn adjacent to, or in connection with broken lot number eleven in the eleventh concession of the Township of Matchedash, in the County of Simcoe, to the Town of Orillia for lighting, heating, manufacturing and such other purposes and uses as shall or may be found desirable, and to distribute, sell and dispose such electric power in the Town of Orillia and elsewhere, within a radius of five miles from the outside boundary thereof, for the purposes and uses aforesaid, and also to sell and dispose of all or any surplus power or electric energy, delivering same at or from their power house on the said lot number eleven in the eleventh concession of the Township of Matchedash.

Power to enter on highways, etc.

2. That it shall be lawful for the said corporation of the Town of Orillia, their servants, agents and workmen from time to time, and at such times as they shall see fit, and they are hereby authorized and empowered to enter into and upon such streets, roads, highways, lanes, or other passages and lands of the Corporation of the Townships of Orillia, Matchedash and County of Simcoe as may be necessary, and the same to cut and dig up, if necessary, and to lay down pipes, erect poles, and wires and do other works necessary for the supplying, furnishing and transmitting of said power, on, through, over, along and upon the public streets, roads, highways, lanes, passages and lands of the said corporations of the Townships of Orillia, Matchedash and County of Simcoe, between said lot eleven and the said Town of Orillia, doing as little damage as may be in the exercise of the powers hereby granted to the said Town of Orillia.

(2) Provided that the powers to be exercised by the Corporation of the Town of Orillia under this section within the limits of the Township of Orillia shall be subject to and in accordance with the provisions of the by-law number 664 of the said Township of Orillia, set forth in Schedule "C" hereto, which by-law is hereby validated and confirmed.

Authority to issue debentures.

3. That it shall be lawful for the corporation of the Town of Orillia for the purposes aforesaid, to pass by-law number of the said Town of Orillia, to authorize the issue of debentures of the said corporation for, and borrow a sum of money not exceeding seventy-five thousand dollars, in such

sums of not less than one hundred dollars each, as the said corporation may deem expedient, which said debentures shall be made payable not more than thirty years from the day on which they respectively bear date, and may be in form in Schedule "B" to this Act set forth, which said debentures shall bear interest at a rate not exceeding four per cent. per annum, payable half yearly, and such debentures shall be signed by the mayor and the treasurer of the said Town of Orillia, for the time being, and may be made payable either in sterling currency in Great Britain, in this province or elsewhere as to the said council of the said corporation of the Town of Orillia shall seem expedient.

4. That no irregularity in the form of the said debentures or the said by-law number authorizing the issue of same, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures or interest or any or either of them, or any part thereof. Irregularity
not to invali-
date.

SCHEDULE A.

By-Law No.

For the purpose of raising by way of debentures the sum of seventy-five thousand dollars for the installation of an Electrical Power and Transmission Plant, between the "Ragged Rapids," on the Severn River, and the Town of Orillia, the distribution of said power in the said town and other purposes necessary to give an efficient service for both power and light.

Whereas it is necessary and advisable to increase the present amount of electrical power for the use of the corporation of the Town of Orillia, and at the same time furnish the citizens of the said town and others, with the advantages of cheap power for manufacturing and other purposes.

And whereas it will require the sum of seventy-five thousand dollars to be raised by debentures for the purpose of installing an electrical and power transmission plant, as aforesaid,

And whereas it will be requisite to raise the several sums in each year respectively set forth in the schedule to this By-Law amounting to the sum of \$4,337.26 annually over and above all other rates and assessments,

And whereas the amount of the whole rateable property of the said corporation, according to the last revised assessment roll, amounts to \$1,336,655,

And whereas the amount of the existing debenture debt of the said corporation is \$143,917.40, and no principal or interest is in arrears,

Therefore the municipal council of the corporation of the Town of Orillia by its council enacts as follows :—

1. That it shall be lawful for the mayor of the said town, for the purposes aforesaid, to borrow the said sum of seventy-five thousand dollars, and to issue debentures of the said municipality to the amount of seventy-five thousand dollars, in sums of not less than one hundred dollars each, payable in the manner, for the amounts, and at the time respectively set forth in the Schedule to this by-law.

2. That the said debentures shall have attached to them coupons for the payment of interest at the rate of four per cent. per annum, which coupons shall be signed by the mayor and the treasurer, and shall be payable half yearly during the continuance of said debentures.

3. That the said debentures as to principal and interest shall be payable at the Trader's Bank, in the Town of Orillia.

4. That it shall be lawful for the mayor of the said municipality and he is hereby authorized and instructed to sign and issue the said debentures and to cause the same and the interest coupons thereto attached to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

5. There shall be raised and levied in each year, for thirty years, by special rate on all the rateable property in the said municipality, the sum of 4,337.26, being a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debt, as the same become respectively payable according to the following schedule :—

No.	Year when Payable.	Amount of Principal.		Interest when Payable.	Interest Amount.	Total Levy Yearly.
			Aug. 14,	1899	\$1500 00	
1	1900	\$1337 26	Feb. 14,	1900	1500 00	\$4337 26
			Aug. 14,	1900	1473 26	
2	1901	1390 75	Feb. 14,	1901	1473 25	4337 26
			Aug. 14,	1901	1445 44	
3	1902	1446 38	Feb. 14,	1902	1445 44	4337 26
			Aug. 14,	1902	1416 51	
4	1903	1504 23	Feb. 14,	1903	1416 51	4337 25
			Aug. 14,	1903	1386 43	
5	1904	1564 40	Feb. 14,	1904	1386 43	4337 26
			Aug. 14,	1904	1355 14	
6	1905	1626 98	Feb. 14,	1905	1355 14	4337 26
			Aug. 14,	1905	1322 60	
7	1906	1692 06	Feb. 14,	1906	1322 60	4337 26
			Aug. 14,	1906	1288 76	
8	1907	1759 74	Feb. 14,	1907	1288 76	4337 26
			Aug. 14,	1907	1253 56	
9	1908	1830 13	Feb. 14,	1908	1253 57	4337 26
			Aug. 14,	1908	1216 96	
10	1909	1903 33	Feb. 14,	1909	1216 96	4337 25
			Aug. 14,	1909	1178 89	
11	1910	1979 47	Feb. 14,	1910	1178 90	4337 26
			Aug. 14,	1910	1139 30	
12	1911	2058 65	Feb. 14,	1911	1139 31	4337 26
			Aug. 14,	1911	1098 13	
13	1912	2140 99	Feb. 14,	1912	1098 14	4337 26
			Aug. 14,	1912	1055 31	
14	1913	2226 63	Feb. 14,	1913	1055 31	4337 25
			Aug. 14,	1913	1010 78	
15	1914	2315 70	Feb. 14,	1914	1010 78	4337 26
			Aug. 14,	1914	964 47	
16	1915	2408 32	Feb. 14,	1915	964 46	4337 25

No.	Year when Payable.	Amount of Principal.	Interest when Payable.	Interest Amount.	Total Levy Yearly.
17	1916	\$2504 66	Aug. 14, 1915	\$916 30	\$4337 26
			Feb. 14, 1916	916 30	
18	1917	2604 84	Aug. 14, 1916	866 20	4337 25
			Feb. 14, 1917	866 21	
19	1918	2709 04	Aug. 14, 1917	814 11	4337 26
			Feb. 14, 1918	814 11	
20	1919	2817 40	Aug. 14, 1918	759 93	4337 26
			Feb. 14, 1919	759 93	
21	1920	2930 09	Aug. 14, 1919	703 58	4337 25
			Feb. 14, 1920	703 58	
22	1921	3047 30	Aug. 14, 1920	644 98	4337 26
			Feb. 14, 1921	644 98	
23	1922	3169 19	Aug. 14, 1921	584 03	4337 26
			Feb. 14, 1922	584 04	
24	1923	3295 96	Aug. 14, 1922	520 65	4337 26
			Feb. 14, 1923	520 65	
25	1924	3427 80	Aug. 14, 1923	454 73	4337 26
			Feb. 14, 1924	454 73	
26	1925	3564 91	Aug. 14, 1924	386 17	4337 26
			Feb. 14, 1925	386 18	
27	1926	3707 50	Aug. 14, 1925	314 87	4337 25
			Feb. 14, 1926	314 88	
28	1927	3855 81	Aug. 14, 1926	240 72	4337 26
			Feb. 14, 1927	240 73	
29	1928	4010 04	Aug. 14, 1927	163 61	4337 26
			Feb. 14, 1928	163 61	
30	1929	4170 44	Aug. 14, 1928	83 41	4337 26
			Feb. 14, 1929	83 41	

This by-law shall take effect on the fourteenth day of February, A.D. 1899.

7. The vote of the ratepayers of the said municipality shall be taken on this by-law at the following times and places, that is to say on Monday, the sixth day of February, A.D. 1899, at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon of the same day at the south ward on first polling sub-division at J. D. Fortier's shop on Peter street and that James B. Henderson shall be deputy returning officer; at the north ward or second polling sub-division at the fire hall on Peter street and that Fred Webber shall be the deputy returning officer; at the west ward or third polling sub-division at the new council chambers, on West street, and that W. T. Y. Lee shall be the deputy returning officer.

8. On the fourth day of February, 1899, the mayor shall attend at the council chambers at ten o'clock in the forenoon to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in promoting or opposing the passing of this by-law.

9. The clerk of the council of the said municipality shall attend at the council chambers, in the Town of Orillia at twelve o'clock noon of the seventh day of February, A.D. 1899, and sum up the number of votes given for and against this by-law.

Dated at the Town of Orillia, this day of , A.D. 1899.

Take notice that the above is a true copy of a proposed by-law which has been taken into consideration and which will be finally passed by the Council of the Town of Orillia (in the event of the assent of the electors

being obtained thereto) after one month from the first publication in the News-Letter newspaper, which date was Thursday, January 12, 1899, and at the hour, day, place or places therein fixed for taking the votes of the electors the polls will be held.

C. E. GRANT,
Clerk Town of Orillia.

SCHEDULE B.

TOWN OF ORILLIA LOAN DEBENTURE NO.

Under and by virtue of the Act passed in the sixty-second year of the reign of Her Majesty Queen Victoria, and chaptered _____ and by virtue of By-law No. _____ of the corporation of the Town of Orillia, passed under the provisions of the said Act, the corporation of the Town of Orillia promises to pay the bearer, at the Traders' Bank of Canada in the said Town of Orillia, the sum of _____ dollars on the _____ day of _____ A.D. 18 _____ and the half yearly coupons hereto attached, as the same shall severally become due.

Dated at Orillia, in the County of Simcoe, this _____ day of _____ A.D. 1899.

L.S.

Mayor.

Treasurer.

SCHEDULE C.

By-Law No. 664 OF THE TOWNSHIP OF ORILLIA, IN THE COUNTY OF SIMCOE.

Whereas the Corporation of the Town of Orillia have represented that they intend to erect, complete and operate an electrical power transmission plant on lot number eleven in the eleventh concession of the Township of Matchedash, in said county, and will find it necessary and requisite to erect poles and string wires along and upon certain highways in the Township of Orillia.

Therefore the Corporation of the Township of Orillia, in the County of Simcoe, enacts as follows :—

1. The said Town Corporation are hereby authorized to erect poles and string their wires along the following roads and highways or allowances for roads on the Township of Orillia, that is to say : Commencing at a point in the road or highway in the town line between the Township of Orillia and the Township of Matchedash, where it is intersected by the line between the fifth and sixth concessions of the Township of Orillia, thence along said concession line between the fifth and sixth concessions aforesaid, thence along the side-line between lots number _____ and _____ in the concession and thence to the limits of the Town of Orillia, and also, if necessary, in an easterly direction from the point of commencement along the said town line to where it crosses Severn River, subject, however, to the following conditions :—

(a) All poles shall be reasonably sound and straight, cleanly barked and closely knotted, sunk not less than five feet in the ground, and having a height of not less than twenty-five feet from the surface of the ground to the cross-arms carrying the wires, and the said poles shall not be less than six inches in diameter at the top or thinnest part thereof.

(b) The said poles shall not be more than 100 feet apart.

(c) The said poles shall be placed in such position on the said highways as the township council or any committee thereof or engineer appointed in that behalf may direct. Where any trees belonging to or the property of the said township are trimmed or cut down, it shall only be done under the direction of the said township council and with the consent of the said township council.

(d) All trees cut down or killed are to be paid for by the said town corporation at their fair and reasonable value.

(e) All poles, where necessary, shall be securely guyed, with guys properly anchored, and the said town corporation shall secure all privileges from private individuals for that purpose, which may be necessary and shall at all times keep the poles in an upright and safe condition and the wires firmly attached to the poles.

2. All expenses of laying out the line for poles and under this by-law shall be paid for by the said town corporation.

3. The said town corporation shall indemnify and save harmless the said township corporation from all damages or claims for damages of every kind resulting from or in any way occasioned by the erection by the said town corporation of their poles and wires, and after erection from all damages or claims for damages of every kind resulting from or in any way occasioned by the working or the existence of their line, or the transmission of power along their wires, or through any default or action on the part of the said town corporation, or their agents or servants, or imperfections of their wires or otherwise, howsoever.

4. No exclusive rights are hereby granted.

5. The said town corporation shall give one week's notice to the township clerk when they propose to locate their line, and where the said township council or their committee shall meet them or their servants or agents and shall at the same time pay all expenses thereby incurred.

6. Where in the judgment of the said township council it shall become necessary to remove any poles the said town corporation shall do so at their own expense, such removal being considered necessary in the public interests.

7. In case of any trouble or dispute arising between the said town corporation and any telephone or telegraph company, the said town corporation shall save the township harmless from all costs or damages that may be incurred.

8. Notwithstanding anything herein contained, the said Township of Orillia shall not be considered as granting the right to cut any timber on the roads herein mentioned, where such timber or the right to cut the same may have been sold to private individuals, and in such cases the said town corporation must arrange for the right to cut such timber with the owners thereof or the persons having the right to cut the same.

9. This by-law shall be null and void if poles and wires are not erected and the line in operation, as in this by-law specified, on or before the first day of January, A.D. 1901.

Passed in council this

day of February, A.D. 1899.

SEAL.

Reeve.

Clerk. 

No. 29

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Town of Orillia.

First Reading, 28th February, 1899.

*(Reprinted as Amended by Private Bills
Committee.)*

Mr. MISCAMPBELL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 30.]

BILL.

[1899

An Act respecting certain By-laws concerning drainage in the Townships of Caledonia, Alfred and South Plantagenet.

WHEREAS the Corporation of the Township of Caledonia in the County of Prescott have by their petition represented that in the year 1891 they had undertaken certain drainage works under the provisions of the drainage clauses of *The Municipal Act* then in force being Chapter 184 of the Revised Statutes of Ontario (1887) and amendments thereto, for the purpose of deepening, widening and improving a stream or watercourse known as "The Caledonia Creek," for the purpose of providing better drainage for certain lands in the townships of Caledonia, Alfred and South Plantagenet through parts of which the said Creek flows and for providing a new and improved outlet for the said stream or watercourse and thereupon procured Robert W. Lendrum, Esquire, Provincial Land Surveyor and Engineer to make an examination of the said stream or watercourse and of the territory sought to be drained thereby as aforesaid and to prepare plans and estimates of the said proposed drainage works and also an assessment to be made by the said engineer of the real property to be benefited by the said work, and thereupon on the 13th day of July 1891, provisionally passed a By-law number 255 adopting the said report and did cause the same to be advertised and due public notice thereof given as by law required together with a notice that a Court of Revision would be held to revise the said assessment on the 28th day of August 1891; and that on the said last mentioned

Preamble.

day at the Sittings of such Court of Revision appeals were
 heard and questions arose as to the right of the said engineer
 to assess certain lands which, as was alleged and as appeared
 to the said Court of Revision, by reason of there being situated
 on a high level had sufficient drainage by means of the said
 stream or watercourse in its natural condition, and as such last
 mentioned lands were not in the opinion of the said Court of
 Revision liable to be assessed for the proposed drainage works,
 it was decided in the presence of the said engineer and with
 the approval of all of the parties interested who were present
 at the said Sittings to modify the said scheme of drainage and
 to strike out the assessment of the said high level lands and
 thereupon the said Court of Revision adjourned until the 12th
 day of September, 1891, and notice of such adjournment and
 of the proposed amendments and alterations in the assessments
 and in the character of the work to be done was given to all
 parties interested as required by the Ontario Statute of 1890,
 53rd Victoria, Chapter 50, Section 34, and that on the said
 12th day of September, 1891, upon the said By-law again
 coming up for consideration no objection was made by any of
 the said ratepayers to the proposed alteration therein, but, on
 the contrary, the ratepayers expressed themselves as anxious
 that the work be proceeded with in the manner proposed and
 accordingly the said By-law as amended was then finally passed
 and debentures to the amount of \$1,411.00 were issued in pur-
 suance thereof and were negotiated and the proceeds thereof
 were expended in the carrying out of the said improvements
 and that that sum having been found insufficient to complete
 such improvements, a further By-law number 288 was passed
 by the said Corporation of the Township of Caledonia on the
 15th day of December, 1896, in pursuance of a report and
 supplementary assessment made by E. T. Wilkie, Esquire,
 Civil Engineer, and by means of the said By-law number 288
 a further sum of \$800 was raised and expended in the com-
 pletion of the said drainage works and improvements; and
 whereas, as appears by the said petition, during all the pro-
 ceedings aforesaid no objection to the validity of the said By-
 laws was raised by any person or persons but the same were
 in all respects acted on and recognized as valid by-laws and
 the taxes levied thereunder were paid for several years without
 objection and the Corporations of the Townships of Alfred and
 South Plantagenet have passed by-laws to levy the rates
 assessed against the lands situate in those townships respectively
 and paid the same from year to year to the said Corporation
 of the Township of Caledonia; and whereas, as appears by the
 said petition in the year 1897, an action was commenced
 against the said Corporation of the Township of Caledonia by
 one Elizabeth McCulloch, claiming to recover damages for
 alleged negligence in the construction of the said works and
 by the judgment of the Court of Appeal for Ontario rendered
 on the 15th day of November 1898, it was adjudged that the
 said Corporation of the Township of Caledonia do pay to the

said Elizabeth McCulloch the sum of \$289 for damages and a direction of the Referee under *The Drainage Act* that such damages and costs should be assessed against the lands benefited by the said drainage works, was set aside on the ground
 5 that the said By-law number 255 was invalid and void for want of jurisdiction in the Court of Revision to alter or amend the scheme of drainage as originally proposed by the said Engineer Robert W. Lendrum; and whereas, as appears by the said petition and in consequence of the said judgment of the
 10 Court of Appeal, other actions are now pending and still further actions are threatened against the said Corporation of the Township of Caledonia by other parties interested in the said drain to compel repayment of the moneys which they have heretofore paid in pursuance of the said by-laws; and
 15 whereas it also appearing that the objections raised to the said By-laws are of a formal and technical and not of a fundamental nature and that the said By-laws have been acted on and recognized as valid for a number of years and that the moneys levied thereunder have been expended by the Corporation of
 20 the Township of Caledonia in good faith in carrying out the drainage works and improvements aforesaid it is deemed advisable that the said By-laws numbers 255 and 288 should be validated and confirmed and that provision should be made for the lawful levying of the rates and assessments which were
 25 thereby intended to be levied and assessed against the several parcels of land therein particularly mentioned and described.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

30 1. The said By-law of the said Corporation of the Township of Caledonia number 255 as amended by the Court of Revision and as finally passed on the 12th day of September, 1891, and as set forth in the Schedule hereto marked A is hereby validated and confirmed. By-law 255 confirmed.

35 2. The said By-law number 288 of the said Corporation of the Township of Caledonia, passed on the 15th day of December 1896, and as set forth in the Schedule hereto marked B is hereby validated and confirmed. By-law 288 confirmed.

40 3. The said By-laws may be pleaded in justification of all such acts and proceedings as may have been lawfully done and performed in pursuance thereof. Plea of justification.

45 4. The said Corporations of the Townships of Alfred and South Plantagenet are hereby respectively authorized and required within three months after the passing of this Act to enact such By-law or By-laws respectively as may be necessary to levy and pay over annually to the Corporation of the Township of Caledonia, the unpaid amounts properly charge- Authority to pass by-laws.

able against lands in the said Municipalities respectively in order to provide for the payment of the debentures issued by the Corporation of the Township of Caledonia in pursuance of the said By-laws numbers 255 and 288 respectively, and that all taxes and rates heretofore levied in any of the said three townships respectively pursuant to such by-laws shall be deemed and are hereby declared to have been lawfully levied and collected. 5

SCHEDULE A.

(Section 1.)

BY-LAW No. 255.

As amended by Court of Revision and finally passed on the 12th of September, 1891. To provide for draining, improving and deepening parts of the Townships of Caledonia, Alfred and S. Plantagenet and for borrowing on the credit of the municipality the sum of \$1,411.00 for completing the same.

Whereas a majority in number of the owners as shewn by the last revised assessment roll of the property hereinafter set forth to be benefitted by the draining, improving and deepening have petitioned the council of the said Township of Caledonia praying the council to cause an examination to be made of the following lands along the Caledonia Creek, viz.—W. $\frac{1}{2}$ 18, W. $\frac{1}{2}$ 19, N. pt. 20, N.E. $\frac{1}{4}$ 21, N.W. $\frac{1}{4}$ 21, N. $\frac{1}{4}$ 22, E. $\frac{1}{2}$ 19, S. pt. 20, in the 5th concession, E. $\frac{1}{2}$ 24, W. $\frac{1}{2}$ 24 in the 6th concession of Caledonia, lots 1, S. $\frac{1}{2}$ 2, commons in the 13th concession, lots 3, E. $\frac{1}{2}$ 2, in the 14th concession of Alfred, and to procure plans and estimates of the work and cause an assessment to be made under the provisions of *The Municipal Drainage Act*, R. S. O. chap. 184, sec. 569, and amendments thereto.

And whereas therefore the said council procured plans and estimates of the work to be done by the said Robt. Lendrum, P.L.S., and an assessment to be made by him of the real property to be benefitted by such drainage, stating as nearly as he can the proportion of benefit which in his opinion will be derived in consequence of said drainage, improving and deepening, by every road and lot or portion of lot, the said assessment so made being the assessment hereinafter by this by-law enacted to be assessed and levied upon the lots and parts of lots hereinafter in that behalf specially set forth and described, and the report of the said Robt. Lendrum, P.L.S., in respect thereof, and of the said drainage, improving and deepening being as follows :

Vankleek Hill, August, 28th, 1891.

To the Municipal Council of the Township of Caledonia :

GENTLEMEN,—Agreeable to instructions received from the Clerk of the Township of Caledonia, to examine and report upon the drainage and improvement of the Caledonia Creek from the Nation River to lot No. 18 in the 5th concession of Caledonia, beg leave to say, that I have examined said creek from the Nation River up the creek to lot 18 in the 5th concession of Caledonia and report that I found said creek very badly obstructed by logs and sand, the banks of the creek in many places narrowing and the bottom of the creek filling up with sand which obstructs the free run of the water, which damages the flat lands adjoining the creek. Every year

the creek is becoming less able to convey the water brought in by the numerous ditches (after great rain) from the high and sandy lands, and large quantities of sand is brought down and deposited in the creek. The creek is also very crooked and improvements can be made by straightening it in several places, and a very great improvement can be made by leaving the creek altogether and making a new outlet from stake marked 86 (as shewn on plan annexed) to the Nation River ; by making this outlet it will save the deepening and cleaning of the Caledonia Creek for the distance of nearly four miles. The distance of the new outlet from stake 86 to the Nation River is 86 chains only and the new outlet has the advantage of all the fall, and being straighter and shorter will afford the best drainage that can be had. The creek can be improved by straightening, especially across lot 2 in the 13th concession of Alfred, and across lots 20, 21 and 22 in the 5th concession of Caledonia

The bed of the creek from stake 0 to stake 425 shewn on plan, requires to be deepened and the logs removed and the sides to be widened and the points to be neatly cut and dressed. I measured from the Nation River following the new outlet, and planted stakes on the bank 132 feet apart numbering them, and levelled at each stake. I found the fall or difference of level from stake 0 planted at the mouth of the creek at the Nation River, surface of the water to the surface of the water in the creek in lot 20 in the 5th concession of Caledonia to be 13 feet 5 inches and the distance nearly five miles. The water in the river being at July level, and one foot higher than the bottom of the creek at stake 0. The dimensions of the ditch for the new outlet, and the size the creek should be enlarged to is eight feet wide on the bottom with side slopes of one to one.

I have prepared a plan shewing the creek and the proposed new outlet and straightening and a profile shewing the grade lines of the bottom of the creek and ditch and depth of cutting, etc., an assessment for benefit and specification.

The new outlet for the Caledonia Creek across lot 1 in the 12th concession of S. Plantagenet and across lot 1 in the 13th concession of Alfred to be made following the ditch already made as far as stake number 56. Thence south-east along the old ditch formerly made by Messrs. McCulloch and Surch to stake 70 planted at the boundary between the Townships of Plantagenet and Alfred, thence to stake 76. Thence leaving the old ditch and going south 60 degrees east and making a new ditch to the creek at stake 86. The ditch to be enlarged and made 8 feet wide on the bottom, 12 feet wide on the top, and of the depth shown on the accompanying profile. The creek from stake 86 to stake 108 to be cleared of all logs, brushwood and weeds, etc., and where necessary deepened and cleaned out to the depths shewn on the profile. A new ditch to be made to straighten the creek from stake 108, south 72 degrees east to stake 122. This ditch to be 8 feet wide on the bottom, 12 feet wide on the top, and of the depth shewn on the profile. The creek from stake 122 upwards to stake 425 planted on James Renwick's farm, lot 20, 5th concession Caledonia to be deepened where necessary to the depths shewn on the profile and to be made 8 feet wide on the bottom, and to be widened where necessary to 12 feet wide on the top ; also straightened by cutting the short turns or points in the creek. All the logs and brush to be taken from out the creek, and either burned or removed to a place where they cannot re-enter the creek. The earth taken from the ditch and creek to be cast at least 3 feet clear of the edge of the bank and at intervals of 4 chains, openings to be left in the spoil bank to allow the water from the adjacent lands. The work to be done to the satisfaction of the engineer or person in charge.

I estimate the cost of the proposed enlarging and improvement by straightening and deepening, removing logs and earthwork, engineer's fees for survey, etc., clerk's fees and advertising of said by-law, etc., \$1,411.00.

This sum I assess against lands and roads to be benefitted and using the creek as an outlet for water as follows :

SCHEDULE OF ASSESSMENT, TOWNSHIP OF CALEDONIA.

Con.	Lot or Pt. of Lot.	Acres.	Value of Improvement.	As Amended by Court of Revision.
6	W. $\frac{1}{2}$ 23	100	\$20 00	\$10 00
6	E. $\frac{1}{4}$ 24	100	40 00	45 00
6	W. $\frac{1}{2}$ 24	100	45 45	45 00
5	W. $\frac{1}{2}$ 18	100	15 00	8 00
5	E. $\frac{1}{2}$ 19	100	15 00	10 00
5	W. $\frac{1}{2}$ 19	100	15 00	20 00
5	N. pt. 20	75	50 00	75 00
5	S. pt. 20	50	15 00	15 00
5	S.W. $\frac{1}{4}$ 24	50	40 00	15 00
5	S.E. $\frac{1}{4}$ 14	50	40 00	50 00
5	S. $\frac{1}{2}$ 23	100	125 00	100 00
5	N.W. $\frac{1}{4}$ 21	50	50 00	60 00
5	N. $\frac{1}{2}$ 22	100	75 00	100 00
5	S. $\frac{1}{2}$ 22	100	65 00	40 00
5	N.E. $\frac{1}{4}$ 21	50	40 00	60 00
5	N. $\frac{1}{2}$ of S. $\frac{1}{2}$ 21	50	20 00	10 00
4	S.W. $\frac{1}{4}$ 20	50	5 00	7 00
4	S.E. $\frac{1}{4}$ 21	50	5 00	5 00
4	S.W. $\frac{1}{4}$ 21	50	5 00	5 00
Total for lands in Caledonia			\$685 00	\$680 00
Boundary road between Caledonia and Alfred			25 00	25 00

SCHEDULE OF ASSESSMENT, TOWNSHIP OF CALEDONIA.

Con.	Lot or Pt. of Lot.	Acres.	Value of Improvement.	As Amended by Court of Revision.
Concession road between 5 and 6			\$25 00	\$25 00
Concession road between cons. 4 and 5			25 00	25 00
Total for lands and roads in Caledonia.			\$760 00	\$755 00

TOWNSHIP OF SOUTH PLANTAGENET.

Con.	Lot or Pt. of Lot.	Acres.	Value of Improvement.	As Amended by Court of Revision.
13	E. pt. 1	100	\$25 00	\$25 00
14	W. $\frac{1}{2}$ C.	80	10 00	10 00
14	Centre C.	50	6 00	6 00
14	E. $\frac{1}{2}$ of E. $\frac{1}{2}$ C.	40	5 00	5 00
14	D.	75	5 00	5 00
Boundary road between Alfred and S. Plantagenet, oppo- site 12 and 13			25 00	25 00
Total for lands and roads in S. Plan- tagenet			\$76 00	\$76 00

SCHEDULE OF ASSESSMENT, TOWNSHIP OF ALFRED.

Con.	Lot or Pt. of Lot.	Acres.	Value of Improvement.	As Amended by Court of Revision.
13....	N. $\frac{1}{2}$ 1	100	\$59 00	\$60 00
13....	S. $\frac{1}{2}$ 1	100	56 00	60 00
13....	N. $\frac{1}{2}$ 2	100	40 00	40 00
13....	S. $\frac{1}{2}$ 2	100	60 00	60 00
13....	W. $\frac{1}{2}$ 3	100	40 00	40 00
13....	E. $\frac{1}{2}$ 3	100	40 00	40 00
13....	4	190	40 00	40 00
14....	Com.	100	50 00	50 00
14....	3	35	10 00	50 00
14....	E. $\frac{1}{2}$ 2	42	25 00	25 00
14....	W. $\frac{1}{3}$ of W. $\frac{1}{2}$ 2	14	12 50	12 50
14....	E. $\frac{1}{3}$ of W. $\frac{1}{2}$ 2	14	12 50	12 50
14....	Centre $\frac{1}{3}$ 2	14	10 00	10 00
14....	S. $\frac{1}{2}$ 1	42	15 00	15 00
14....	N. pt. 1	40	15 00	15 00
Boundary road between Alfred and S. Plantagenet, oppo- site con. 13			25 00	25 00
Boundary road between Cale- donia and Alfred, opposite cons. 13 and 14			25 00	25 00
Total for lands and road in Alfred			575 00	\$580 00

The Creek when completed to be kept in repair by the Municipalities of the Township of Caledonia, Alfred and South Plantagenet, at the expense of the lands and roads herein assessed for constructions, said lands and roads paying in the same proportion as for construction.

I have the honor to be, gentlemen,

Your obedient servant,

(Signed) ROBT. LENDRUM, P.L.S.

And whereas the said Council are of the opinion that the drainage of the locality described is desirable :

Be it therefore enacted by the said Municipal Council of the said Township of Caledonia, pursuant to the provision of the Municipal Act :

1. That the said reports, plans and estimates be adopted and the said drain and the works connected therewith be made and constructed in accordance therewith.

2. That the Reeve of the said Township may borrow on the credit of the corporation of the said Township of Caledonia the sum of \$1,411.00, being the funds necessary for the work, and may issue debentures of the corporation to that amount in sums not less than \$100.00 each, and payable within ten years from date hereof, with interest at the rate of 4 per cent. per annum ; that is to say as nearly as may be in equal annually instalments, such debentures to be payable at _____ and to have attached to them coupons for the payment of interest.

3. That for the purpose of paying the sum of \$1,411.00, being the amount charged against the said lands, so to benefited as aforesaid and other lands and roads belonging to the municipality, and to cover interest thereon for ten years at the rate of 4 per cent. per annum, the following special rates over and above all other rates shall be assessed and levied in the same manner and at the same time as taxes are levied, upon the under mentioned lots and parts of lots and the amount of the said special

rates and interest assessed as aforesaid against each or part of lot respectively, shall be divided in ten equal parts and every one such part shall be assessed and levied as aforesaid in each year for ten years during which the said debentures have to run.

TOWNSHIP OF CALEDONIA.

Con.	Lot or part of Lot.	Acres	Value of Improvement.	To cover int. for 10 years at 4 %.	Totals. Rates.	Annual assessment during 10 years.
6.	W. $\frac{1}{2}$ of 23.....	100	\$10 00	\$2 20	\$12 20	\$1 22
6..	E. $\frac{1}{2}$ of 24.....	100	45 00	9 90	54 90	5 49
6..	W. $\frac{1}{2}$ of 24.....	100	45 00	9 90	54 90	5 49
5..	W. $\frac{1}{2}$ of 18.....	100	8 00	1 76	9 76	9 76
5..	E. $\frac{1}{2}$ 19.....	100	10 00	2 20	12 20	1 22
5..	W. $\frac{1}{2}$ 19.....	100	20 00	4 40	24 40	2 44
5..	N. pt. 20.....	75	75 00	16 50	91 50	9 15
5..	S. pt. 20.....	50	15 00	3 30	18 30	1 83
5..	S.W. $\frac{1}{4}$ 24.....	50	15 00	3 30	18 30	1 83
5..	S.E. $\frac{1}{4}$ 24.....	50	50 00	11 00	61 00	6 10
5..	S. $\frac{1}{2}$ 23.....	100	100 00	22 00	122 00	12 20
5..	N.W. $\frac{1}{4}$ 21.....	50	60 00	13 20	73 20	7 32
5..	N. $\frac{1}{2}$ 22.....	100	100 00	22 00	122 00	12 20
5..	S. $\frac{1}{2}$ 22.....	100	40 00	8 80	48 80	4 88
5..	N. E. $\frac{1}{4}$ 21.....	50	60 00	13 20	73 20	7 32
5..	N. $\frac{1}{2}$ of S. $\frac{1}{2}$ 21 ..	50	10 00	2 20	12 20	1 22
4..	S.W. $\frac{1}{4}$ 20.....	50	7 00	1 54	8 54	0 85
4..	S.E. $\frac{1}{4}$ 21.....	50	5 00	1 10	6 10	0 61
4..	S.W. $\frac{1}{4}$ 21.....	50	5 00	1 10	6 10	0 61
			\$680 00	\$149 60	\$829 60	82 96
Chargeable to Caledonia for roads.....			75 00	16 50	91 50	9 15
Total assessment for Caledonia.			\$755 00	\$166 10	\$921 10	\$92 11

TOWNSHIP OF SOUTH PLANTAGENET.

Con	Lot or part of Lot.	Acres.	Value of Improvement.	To cover int. for 10 years at 4 %.	Total S. Rate.	Annual assessment during 10 years.
13..	E. pt. 1.....	100	\$25 00	\$5 50	\$30 50	\$3 05
14..	W. $\frac{1}{2}$ C.....	80	10 00	2 20	12 20	1 22
14..	Centre C.....	50	6 00	1 32	7 32	0 73
14..	E. $\frac{1}{2}$ of E. $\frac{1}{2}$	40	5 00	1 10	6 10	0 61
14..	E. $\frac{1}{2}$ D. of C.....	75	5 00	1 10	6 10	0 61
			\$51 00	\$11 22	\$62 22	\$6 222
Chargeable to Municipality of S. Plantagenet for roads			25 00	5 50	30 50	3 05
Total assessment for S. Plantagenet.			\$76 00	\$16 72	\$92 72	\$9 272

TOWNSHIP OF ALFRED.

13..	N. $\frac{1}{2}$ 1	100	60 00	13 20	73 20	7 32
13..	S. $\frac{1}{2}$ 1	100	60 00	13 20	73 20	7 32
13..	N. $\frac{1}{2}$ 2	100	40 00	8 80	48 80	4 88
13..	S. $\frac{1}{2}$ 2	100	60 00	13 20	73 20	7 32
13..	W. $\frac{1}{2}$ 3	100	40 00	8 80	48 80	4 88
13..	E. $\frac{1}{2}$ 3	100	40 00	8 80	48 80	4 88
13..	4	100	40 00	8 80	48 80	4 88
14..	Com	100	50 00	11 00	61 00	6 10
14..	3	35	50 00	11 00	61 00	6 10
14..	E. $\frac{1}{2}$ 2	42	25 00	5 50	30 50	3 05
14..	W. $\frac{1}{2}$ of W. $\frac{1}{2}$ 2	14	12 50	2 75	15 25	1.525
14..	E. $\frac{1}{2}$ of W. $\frac{1}{2}$ 2	14	12 50	2 75	15 25	1.525
14..	Centre $\frac{1}{2}$ 2	14	10 00	2 20	12 20	1 22
14..	S. $\frac{1}{2}$ 1	42	15 00	3 30	18 30	1 83
14..	N. pt. 1	40	15 00	3 30	18 30	1 83
Chargeable to Alfred for			\$530 00	\$116 60	\$646 60	\$64 66
roads			50 00	11 00	61 00	6 10
Total assessment for Al-			\$580 00	\$127 60	\$707 60	\$70 76
fred						

4th. For the purpose of paying the sum of \$150.00 being the total amount assessed as aforesaid against the said roads of the said municipalities to cover interest thereon for ten years at the rate of four per cent. per annum, a special rate of _____ in the dollar shall over and above all other rates be levied in the same manner, and at the same time as taxes are levied upon the whole rateable property in the said Township of Caledonia in each year for the period of ten years, during which the said debentures have to run.

5th. That James Renwick and James Surch are hereby appointed commissioners to let, oversee and pass the work of constructing the aforesaid drain, and take securities from the contractors for the due performance of the work subject to the approval of the Council of the said Township of Caledonia.

(Signed) JONATHON CROSS,

Reeve.

[Seal]

(Signed) FELIX CADIEUX,

Tp. Clerk.

Dated at Fenaghvale this 12th day of Sept, 1891.

SEHEDULE B.

(Section 2.)

BY-LAW No. 288.

A By-law to amend By-law No. 255 of the Township of Caledonia in the County of Prescott entitled "The Caledonia Creek By-law," and for borrowing on the credit of the said Municipality of Caledonia, the sum of eight hundred dollars (\$800.00) in order to fully carry out the intention thereof.

Provisionally adopted the 15th day of December, A.D. 1896.

Whereas the sum of one thousand four hundred and eleven dollars (\$1,411.00) as mentioned and provided for in said By-law No. 255, has been found insufficient for the completion of the drainage work therein specified.

And whereas it will be necessary to provide a further sum of money for the completion of the said work.

And whereas thereupon the said council has procured a further examination to be made by E. T. Wilkie, Civil Engineer and Ontario Land Surveyor, being a person competent for such purpose with a view to the completion of said drainage work, and has also procured plans, specifications and estimates of the drainage works to be made by the said E. T. Wilkie and an assessment to be made by him of the lands and roads to be benefitted by such drainage work or completion thereof, and of other lands and roads liable for contribution thereto, stating as nearly as he can the proportion of benefit, outlet, liability and injuring liability which in his opinion will be derived or incurred in consequence of the completion of such drainage by every road and lot or portion of lot, the said assessment so made being the assessment hereinafter by this By-law enacted to be assessed and levied upon the roads and lots or parts of lots hereinafter in that behalf specially set forth and described, and the report of the said E. T. Wilkie in respect thereof and of the said drainage work being as follows :

Almonte, Ont., October, 1895.

To the Municipal Council of the Township of Caledonia :

GENTLEMEN,—In accordance with the request of the reeve and your township, I have examined “Caledonia Creek” with a view of making a report as to what will be required to be done, and an estimate of the probable cost of completing the work begun in this creek about four years ago.

I beg leave to report that I chained up the creek from the Nation River to Lot No. 20 in the 5th Concession of Caledonia, using a 66 foot chain. I planted a stake every three chains or 198 feet. I then ran a line of levels up the creek from which I made the accompanying profile which shows the bottom of, or grade in the creek, I could not be sure of getting the same datum that Mr. Lendrum used but from the results I obtained I am satisfied that I am not far from it. I laid the grade (the red line) as high as I could without being above the bottom of the drain at the upper end and the original creek at stake 225.

I found that a new channel had been made for the first 86 chains and also from stake 108 to stake 142, but neither of these are deep enough. From stake 351 which is near the line between the north and south halves of lot No. 22 in the 5th concession Caledonia upwards, considerable work has been done, about half of which is new channel. This portion seems to be deep enough to answer the purpose for which it was made. None of the ditch or new channel was given sufficient slope on the sides nor was the material taken out thrown far enough back from the edge of the ditch, and the result is that the ditch has practically no slopes and that a considerable quantity of the material taken out has fallen back into the ditch and been carried down the stream by the current.

It will be necessary to deepen the ditch and old creek to the depth shewn on the accompanying profile at the stakes where planted and midway between stakes. The ditch is to be made eight (8) feet wide on the bottom, and where possible to have slopes of one and one-half feet horizontal to one foot perpendicular on each side. But in the cuts already made where this cannot be done without making new slopes to the top, make the bottom eight feet wide and give the side all the slope

that can be had. Round off all bends as much as possible both in creek and ditch. From stake 301 the ditch only requires to have the loose material in it thrown out. All material taken out of the ditch must be thrown at least five feet back from the edge so as not to fall or wash in again. I would strongly recommend that the bends stake 175 50 to 186, Stake 255 to 267, stake 321 to 333, and stake 342 50 to 347 be cut off as I have sketched them and shown them on the profile; by doing so the distance will be shortened over 17 chains and consequently the grade increased a corresponding amount. Some other bends though not so bad as these can be cut off to good advantage, notably from stake 273 to 285, and stake 305 to 309.

I estimate that the work of cleaning out the ditch and creek from the Nation River up as far as work was done four years ago in Lot No. 20, in the 5 Con., Caledonia, without cutting off the bends mentioned above will cost, including engineering expenses reeve's and clerk's expenses, advertising, etc., eight hundred dollars (\$800.00).

And I assess this sum against the lands and roads to be benefitted and using the creek as an outlet for water in the same ratio as they were assessed on the former assessment, being the amounts mentioned in the following table. Or in the event of the work costing more or less than my estimate, then the part of the total cost shown by the decimal in the last column.

Schedule of assessment for the Township of Caledonia :

Con.	Lot or part of lot.	Acres.	Value of improvement.	Part of total cost.
4....	S.W. $\frac{1}{4}$ 20.....	50	\$3 95	.00496
4....	S.E. $\frac{1}{4}$ 21.....	50	2 85	.00355
4....	S.W. $\frac{1}{4}$ 21.....	50	2 85	.00355
5....	W. $\frac{1}{2}$ 18.....	100	4 50	.00577
5....	E. $\frac{1}{2}$ 19.....	100	5 65	.007087
5....	W. $\frac{1}{2}$ 19.....	100	11 35	.01418
5....	N. pt. 20.....	75	42 50	.05315
5....	Centre pt 20.....	50	8 50	.01063
5....	N. W. $\frac{1}{4}$ 21.....	50	34 00	.04252
5....	N.E. $\frac{1}{4}$ 21.....	50	34 00	.04252
5....	N. $\frac{1}{2}$ of S. $\frac{1}{2}$ 21.....	50	5 65	.007087
5....	N. $\frac{1}{2}$ 22.....	100	56 70	.07087
5....	S. $\frac{1}{2}$ 22.....	100	22 70	.02835
5....	S. $\frac{1}{2}$ 23.....	100	56 70	.07087
5....	S.W. $\frac{1}{4}$ 24.....	50	8 50	.01063
5....	S. E. $\frac{1}{2}$ 24.....	50	28 35	.03544
6....	W. $\frac{1}{2}$ 23.....	100	5 65	.007087
6....	E. $\frac{1}{2}$ 24.....	100	25 45	.03182
6....	W. $\frac{1}{2}$ 24.....	100	25 45	.03182
	Boundary road Caledonia & Alfred....		14 20	.01772
	Concession road Con. 5 and 6.....		14 20	.01772
	Concession road Con. 4 and 5.....		14 20	.01772

Total for lands and roads Caledonia... \$127 90

Schedule of assessment for the township of Alfred :

Con.	Lot or part of lot.	Acres.	Value of improvement.	Part of total cost.
13....	N. $\frac{1}{2}$ 1.....	100	\$34 00	.04252
13....	S. $\frac{1}{2}$ 1.....	100	34 00	.04252
13....	N. $\frac{1}{2}$ 2.....	100	22 70	.02835

Con.	Lot or part of lot	Acre.	Value of improvement.	Part of total cost.
13....	N. $\frac{1}{2}$ 2.....	100	\$54 00	.04272
13....	W. $\frac{1}{2}$ 3.....	100	22 70	.02835
13....	E. $\frac{1}{2}$ 3.....	100	22 70	.02835
14....	4.....	100	22 70	.02835
14....	N. part 1.....	40	8 50	.01063
14....	S. part 1.....	40	8 50	.01063
14....	W. $\frac{1}{3}$ of W. $\frac{1}{2}$ 2.....	14	7 10	.00886
14....	E. $\frac{1}{3}$ of W. $\frac{1}{2}$ 2.....	14	7 10	.00886
14....	Centre of W. $\frac{1}{2}$ 1.....	14	5 65	.007087
14....	E. $\frac{1}{2}$ 2.....	42	14 20	.01772
14....	.....	35	8 3	.03544
14....	Commons.....	100	28 15	.03544
	Boundary road Alfred and Caledonia.....		14 20	.01772
	Boundary road Alfred and S. Plantagenet.....		14 20	.01772
Total for lands and roads in Alfred.			\$328 95	

Schedule of assessment for the Township of South Plantagenet.

Con.	Lot or part of lot.	Acre.	Value of improvement.	Part of total cost.
13....	E. part 1.....	100	\$14 20	.01772
14....	W. part C.....	80	5 65	.007087
14....	Centre part C.....	50	3 40	.00452
14....	E. $\frac{1}{2}$ of E. $\frac{1}{2}$ C.....	40	2 85	.003544
14....	D.....	75	2 85	.003544
	Boundary road Alfred and South Plan- tagenet.....		14 20	.01772
Total lands and roads S Plantagenet..			\$43 15	

Summary—

Total for Township of Caledonia.....	\$427 90
“ “ “ Alfred.....	328 95
“ “ “ South Plantagenet.....	43 15
Total assessment.....	\$800 00

The creek or ditch when completed is to be kept in repair by the municipalities of the townships of Caledonia, Alfred and South Plantagenet at the expense of the lands and roads herein assessed for construction, said lands and roads are to pay in the same ratio as for construction.

I have the honor, Gentlemen, to be
Your obedient servant,

(Sgd) E. T. WILKIE, C.E. Ont. L.S.

And whereas the said Council are of opinion that the completion of the drainage of the area described is desirable.

Therefore the said Municipal Council of the said township of Caledonia, pursuant to the provisions of the *Drainage Act 1894*, enacts as follows :

1. The said report, plans, specifications, assessments and estimates are hereby adopted and the drainage work as therein indicated and set forth being a completion of said drainage work as mentioned in said By-law number 255, shall be made and constructed in accordance therewith.

2. The reeve of the said Township of Caledonia may borrow on the credit of the corporation of the said Township of Caledonia the sum of eight hundred dollars (\$800.00), being the funds necessary for the completion of the said drainage work not otherwise provided for and may issue debentures of the Corporation to that amount in sums of not less than fifty dollars (\$50.00) each and payable within ten (10) years from the date thereof with interest at the rate of four (4) per centum per annum, that is to say : In ten equal annual debentures without coupons of ninety-eight dollars and fifty cents (98 50) each, being the amount required to discharge said sum of eight hundred dollars (800.00) and interest thereon at the rate aforesaid within the said period of ten years, such debentures to be payable at the office of the Treasurer of the Province of Ontario, Toronto.

3. For paying the sum of eight hundred dollars (800.00), the amount charged against the said lands and roads for benefit, including lands and roads belonging to or controlled by the municipality and for covering interest thereon for ten (10) years at the rate of four (4) per centum per annum, the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the under-mentioned lots and parts of lots and roads, and the amount of the said total special rate and interest against each lot or part of lot respectively shall be divided into ten (10) equal parts, and one such part shall be assessed, levied and collected as aforesaid in each year for ten (10) years after the final passing of this by-law during which the said debentures have to run.

Schedule of assessment for the township of Caledonia.

Con.	Lot or part of lot.	Acres.	Value of improvement.	Annual assessment to cover prin. and int. during each year for 10 years 4% int.
4	S.W. $\frac{1}{4}$ 20.....	50	\$3 95	.486
4	S.E. $\frac{1}{4}$ 21.....	50	2.85	.350
4	S.W. $\frac{1}{4}$ 21.....	50	2.85	.350
5	W. $\frac{1}{2}$ 18.....	100	4.50	.554
5	E. $\frac{1}{2}$ 19.....	100	5.62	.695
5	W. $\frac{1}{2}$ 19.....	100	11 35	1.397
5	N. pt. 20.....	75	42.50	5.232
5	Centre pt. 20.....	50	8.50	1.046
5	N.W. $\frac{1}{4}$ 21.....	50	34.00	4.186
5	N.E. $\frac{1}{4}$ 21.....	50	34.00	4 186
5	N. $\frac{1}{2}$ of S. $\frac{1}{2}$ 21.....	50	5 65	.695
5	N. $\frac{1}{2}$ 22.....	100	56 70	6.981
5	S. $\frac{1}{2}$ 22.....	100	22.70	2.794
5	S. $\frac{1}{2}$ 23.....	100	56.70	6.981
5	S.W. $\frac{1}{2}$ 24.....	50	8.50	1.046
5	S.E. $\frac{1}{2}$ 24.....	50	28 35	3.490
6	W. $\frac{1}{2}$ 23.....	100	5.65	.695
6	E. $\frac{1}{2}$ 24.....	100	25.45	3.133
6	W. $\frac{1}{2}$ 24.....	100	25.45	3.133
	Boundary road, Caledonia & Alfred.....	14 20		1.748
	Concession road, Concessions 5 & 6.....	14.20		1.748
	Concession road between Concessions 4 & 5.....	14.20		1.748
Total for lands and roads, Caledonia ...			\$427.90	\$52.685

Schedule of assessment for the township of Alfred.

Con.	Lot or part of lot.	Acres.	Value of improvements.	Annual assessment to cover prin. and int. during each year for 10 years, 4% int.
13	N. $\frac{1}{2}$ 1.....	100	\$34.00	4.186
13	S. $\frac{1}{2}$ 1.....	100	34.00	4.186
13	N. $\frac{1}{2}$ 2.....	100	22.70	2.794
13	S. $\frac{1}{2}$ 2.....	100	34.00	4.186
13	W. $\frac{1}{2}$ 3.....	100	22.70	2.794
13	E. $\frac{1}{2}$ 3.....	100	22.70	2.794
13	4.....	190	22.70	2.794
14	N. pt 1.....	40	8.50	1.046
14	S. pt. 1.....	40	8.50	1.046
14	W. $\frac{1}{3}$ of W. $\frac{1}{2}$ 2.....	14	7.10	.874
14	E. $\frac{1}{3}$ of W. $\frac{1}{2}$ 2.....	14	7.10	.874
14	Centre $\frac{1}{3}$ of W. $\frac{1}{2}$ 2.....	14	5.65	.695
14	E. $\frac{1}{2}$ 2.....	42	14.20	1.748
14	3.....	35	28.35	3.490
14	Commons.....	100	28.35	3.490
	Boundary road Alfred & Caledonia....		14.20	1.748
	Boundary road Alfred & S. Plantagenet		14.40	1.748
Total for lands and roads in Alfred...			\$328.95	\$40.502

Schedule of assessment for the township of South Plantagenet.

Con.	Lot or part of lot.	Acres.	Value of improvements.	Annual assessment to cover prin. and int. during each year for 10 years int. 4%.
13	E. pt. 1.....	100	\$14.20	\$1.748
14	W. pt. C.....	80	5.65	.695
14	Centre pt. C.....	50	3.40	.418
14	E. $\frac{1}{2}$ of E. $\frac{1}{2}$ C.....	40	2.85	.350
14	D.....	75	2.85	.350
	Boundary road Alfred and S. Plantagenet..		14.20	1.748
Total lands and roads S. Plantagenet..			\$43.15	\$5.312

Summary.

Total for township of Caledonia.....	\$427.90	\$52.685
“ “ Alfred.....	328.95	40.502
“ “ South Plantagenet.....	43.15	5.312
Total.....	\$800.00	\$98.499

4th. This By-law shall not require any publication whatever and shall come into force upon and after the final passing thereof and may be cited as the “Caledonia Creek Amending By-law.”

Finally passed at the township of Caledonia this fifteenth day of December A.D. 1896.

(Sgd.) JONATHAN CROSS,
Reeve.

(Seal.)

(Sgd.) FELIX CADIEUX,
Township Clerk.

BILL.

An Act respecting certain by-laws concerning drainage in the Townships of (Albion, Alfred and South Plantagenet).

First Reading, 1899

(Private Bill.)

Mr. GUIBORD.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 30.]

BILL

[1899

An Act respecting certain By-laws concerning drainage in the Townships of Caledonia, Alfred and South Plantagenet.

WHEREAS the Corporation of the Township of Caledonia in **Preamble.**
the County of Prescott have by their petition represented that in the year 1891 they had undertaken certain drainage works under the provisions of the drainage clauses of *The Municipal Act* then in force being Chapter 184 of the Revised Statutes of Ontario (1887) and amendments thereto, for the purpose of deepening, widening and improving a stream or watercourse known as "The Caledonia Creek," for the purpose of providing better drainage for certain lands in the townships of Caledonia, Alfred and South Plantagenet through parts of which the said Creek flows and for providing a new and improved outlet for the said stream or watercourse, and thereupon procured Robert W. Lendrum, Esquire, Provincial Land Surveyor and Engineer to make an examination of the said stream or watercourse and of the territory sought to be drained thereby as aforesaid and to prepare plans and estimates of the said proposed drainage works and also an assessment to be made by the said engineer of the real property to be benefited by the said work, and thereupon on the 13th day of July 1891, provisionally passed a By-law number 255 adopting the *report of the said engineer* and did cause the same to be advertised and due public notice thereof given as by law required together with a notice that a Court of Revision would be held to revise the said assessment on the 28th day of August 1891; and that on the said

last mentioned day at the sittings of such Court of Revision appeals were heard and questions arose as to the right of the said engineer to assess certain lands which, as was alleged and as appeared to the said Court of Revision, by reason of their being situated on a high level had sufficient drainage by means of the said stream or watercourse in its natural condition, and as such last mentioned lands were not in the opinion of the said Court of Revision liable to be assessed for the proposed drainage works, it was decided in the presence of the said engineer and with the approval of all of the parties interested who were present at the said sittings to modify the said scheme of drainage and to strike out the assessment of the said high level lands and thereupon the said Court of Revision adjourned until the 12th day of September, 1891, and notice of such adjournment and of the proposed amendments and alterations in the assessments and in the character of the work to be done was given to all parties interested as required by the Ontario Statute of 1890, 53rd Victoria, Chapter 50, Section 34, and that on the said 12th day of September, 1891, upon the said By-law again coming up for consideration no objection was made by any of the said ratepayers to the proposed alteration therein, but, on the contrary, the ratepayers expressed themselves as anxious that the work be proceeded with in the manner proposed and accordingly the said By-law as amended was then finally passed and debentures to the amount of \$1,411.00 were issued in pursuance thereof and were negotiated and the proceeds thereof were expended in the carrying out of the said improvements, and that that sum having been found insufficient to complete such improvements, a further By-law number 288 was passed by the said Corporation of the Township of Caledonia on the 15th day of December, 1896, in pursuance of a report and supplementary assessment made by E. T. Wilkie, Esquire, Civil Engineer, and by means of the said By-law number 288 a further sum of \$800 was raised and expended in the completion of the said drainage works and improvements; and whereas, as appears by the said petition, during all the proceedings aforesaid no objection to the validity of the said by-laws was raised by any person or persons but the same were in all respects acted on and recognized as valid by-laws and the taxes levied thereunder were paid for several years without objection and the Corporations of the Townships of Alfred and South Plantagenet have passed by-laws to levy the rates assessed against the lands situate in those townships respectively and paid the same from year to year to the said Corporation of the Township of Caledonia; and whereas, as appears by the said petition in the year 1897, an action was commenced against the said Corporation of the Township of Caledonia by one Elizabeth McCulloch, claiming to recover damages for alleged negligence in the construction of the said works and by the judgment of the Court of Appeal for Ontario rendered on the 15th day of November 1898, it was adjudged that the said Corporation of the Township of Caledonia do pay to the

said Elizabeth McCulloch the sum of \$269 for damages and a direction of the Referee under *The Drainage Act* that such damages and costs should be assessed against the lands benefited by the said drainage works, was set aside on the ground, *among other grounds*, that the said By-law number 255 was invalid and void for want of jurisdiction in the Court of Revision to alter or amend the scheme of drainage as originally proposed by the said Engineer Robert W. Lendrum; and whereas, as appears by the said petition and in consequence of the said judgment of the Court of Appeal, other actions are now pending and still further actions are threatened against the said Corporation of the Township of Caledonia by other parties interested in the said drain to compel repayment of the moneys which they have heretofore paid in pursuance of the said by-laws; and whereas it also appearing that the objections raised to the said by-laws are of a formal and technical and not of a fundamental nature and that the said by-laws have been acted on and recognized as valid for a number of years and that the moneys levied thereunder have been expended by the Corporation of the Township of Caledonia in good faith in carrying out the drainage works and improvements aforesaid it is deemed advisable that the said By-laws numbers 255 and 288 should be validated and confirmed and *also* that provision should be made for the lawful levying of the rates and assessments which were thereby intended to be levied and assessed against the several parcels of land therein particularly mentioned and described.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The said By-law of the said Corporation of the Township of Caledonia number 255 as amended by the Court of Revision and as finally passed on the 12th day of September, 1891, and as set forth in the Schedule hereto marked A is hereby validated and confirmed. By-law 255 confirmed.
2. The said By-law number 288 of the said Corporation of the Township of Caledonia, passed on the 15th day of December 1896, and as set forth in the Schedule hereto marked B is hereby validated and confirmed. By-law 288 confirmed.
3. The said By laws may be pleaded in justification of all such acts and proceedings as may have been lawfully done and performed in pursuance thereof. Plea of justification.
4. The said Corporations of the Townships of Alfred and South Plantagenet are hereby respectively authorized and required within three months after the passing of this Act to enact such By-law or By-laws respectively as may be necessary to levy and pay over annually to the Corporation of the Township of Caledonia, the unpaid amounts properly charge- Authority to pass by-laws.

able against lands *and roads* in the said Municipalities respectively in order to provide for the payment of the debentures issued by the Corporation of the Township of Caledonia in pursuance of the said By-laws numbers 255 and 288 respectively, and that all taxes and rates heretofore levied in any of the said three townships respectively pursuant to such by-laws shall be deemed and are hereby declared to have been lawfully levied and collected.

SCHEDULE A.

(Section 1.)

By-Law No. 255.

As amended by Court of Revision and finally passed on the 12th of September, 1891. To provide for draining, improving and deepening parts of the Townships of Caledonia, Alfred and S. Plantagenet and for borrowing on the credit of the municipality the sum of \$1,411.00 for completing the same.

Whereas a majority in number of the owners as shewn by the last revised assessment roll of the property hereinafter set forth to be benefitted by the draining, improving and deepening have petitioned the council of the said Township of Caledonia praying the council to cause an examination to be made of the following lands along the Caledonia Creek, viz.—W. $\frac{1}{2}$ 18, W. $\frac{1}{2}$ 19, N. pt. 20, N.E. $\frac{1}{4}$ 21, N.W. $\frac{1}{4}$ 21, N. $\frac{1}{2}$ 22, E. $\frac{1}{2}$ 19, S. pt. 20, in the 5th concession, E. $\frac{1}{2}$ 24, W. $\frac{1}{2}$ 24 in the 6th concession of Caledonia, lots 1, S. $\frac{1}{2}$ 2, commons in the 13th concession, lots 3, E. $\frac{1}{2}$ 2, in the 14th concession of Alfred, and to procure plans and estimates of the work and cause an assessment to be made under the provisions of *The Municipal Drainage Act*, R. S. O. chap. 184, sec. 569, and amendments thereto.

And whereas therefore the said council procured plans and estimates of the work to be done by the said Robt. Lendrum, P.L.S., and an assessment to be made by him of the real property to be benefitted by such drainage, stating as nearly as he can the proportion of benefit which in his opinion will be derived in consequence of said drainage, improving and deepening, by every road and lot or portion of lot, the said assessment so made being the assessment hereinafter by this by-law enacted to be assessed and levied upon the lots and parts of lots hereinafter in that behalf specially set forth and described, and the report of the said Robt. Lendrum, P.L.S., in respect thereof, and of the said drainage, improving and deepening being as follows :

Vankleek Hill, August, 28th, 1891.

To the Municipal Council of the Township of Caledonia :

GENTLEMEN,—Agreeable to instructions received from the Clerk of the Township of Caledonia, to examine and report upon the drainage and improvement of the Caledonia Creek from the Nation River to lot No. 18 in the 5th concession of Caledonia, beg leave to say, that I have examined said creek from the Nation River up the creek to lot 18 in the 5th concession of Caledonia and report that I found said creek very badly obstructed by logs and sand, the banks of the creek in many places narrowing and the bottom of the creek filling up with sand which obstructs the free run of the water, which damages the flat lands adjoining the creek. Every year

the creek is becoming less able to convey the water brought in by the numerous ditches (after great rain) from the high and sandy lands, and large quantities of sand is brought down and deposited in the creek. The creek is also very crooked and improvements can be made by straightening it in several places, and a very great improvement can be made by leaving the creek altogether and making a new outlet from stake marked 86 (as shewn on plan annexed) to the Nation River ; by making this outlet it will save the deepening and cleaning of the Caledonia Creek for the distance of nearly four miles. The distance of the new outlet from stake 86 to the Nation River is 86 chains only and the new outlet has the advantage of all the fall, and being straighter and shorter will afford the best drainage that can be had. The creek can be improved by straightening, especially across lot 2 in the 13th concession of Alfred, and across lots 20, 21 and 22 in the 5th concession of Caledonia

The bed of the creek from stake 0 to stake 425 shewn on plan, requires to be deepened and the logs removed and the sides to be widened and the points to be neatly cut and dressed. I measured from the Nation River following the new outlet, and planted stakes on the bank 132 feet apart numbering them, and levelled at each stake. I found the fall or difference of level from stake 0 planted at the mouth of the creek at the Nation River, surface of the water to the surface of the water in the creek in lot 20 in the 5th concession of Caledonia to be 13 feet 5 inches and the distance nearly five miles. The water in the river being at July level, and one foot higher than the bottom of the creek at stake 0. The dimensions of the ditch for the new outlet, and the size the creek should be enlarged to is eight feet wide on the bottom with side slopes of one to one.

I have prepared a plan shewing the creek and the proposed new outlet and straightening and a profile shewing the grade lines of the bottom of the creek and ditch and depth of cutting, etc., an assessment for benefit and specification.

The new outlet for the Caledonia Creek across lot 1 in the 12th concession of S. Plantagenet and across lot 1 in the 13th concession of Alfred to be made following the ditch already made as far as stake number 56. Thence south-east along the old ditch formerly made by Messrs. McCulloch and Surch to stake 70 planted at the boundary between the Townships of Plantagenet and Alfred, thence to stake 76. Thence leaving the old ditch and going south 60 degrees east and making a new ditch to the creek at stake 86. The ditch to be enlarged and made 8 feet wide on the bottom, 12 feet wide on the top, and of the depth shown on the accompanying profile. The creek from stake 86 to stake 108 to be cleared of all logs, brushwood and weeds, etc., and where necessary deepened and cleaned out to the depths shewn on the profile. A new ditch to be made to straighten the creek from stake 108, south 72 degrees east to stake 122. This ditch to be 8 feet wide on the bottom, 12 feet wide on the top, and of the depth shewn on the profile. The creek from stake 122 upwards to stake 425 planted on James Renwick's farm, lot 20, 5th concession Caledonia to be deepened where necessary to the depths shewn on the profile and to be made 8 feet wide on the bottom, and to be widened where necessary to 12 feet wide on the top ; also straightened by cutting the short turns or points in the creek. All the logs and brush to be taken from out the creek, and either burned or removed to a place where they cannot re-enter the creek. The earth taken from the ditch and creek to be cast at least 3 feet clear of the edge of the bank and at intervals of 4 chains, openings to be left in the spoil bank to allow the water from the adjacent lands. The work to be done to the satisfaction of the engineer or person in charge.

I estimate the cost of the proposed enlarging and improvement by straightening and deepening, removing logs and earthwork, engineer's fees for survey, etc., clerk's fees and advertising of said by-law, etc., \$1,411.00.

This sum I assess against lands and roads to be benefitted and using the creek as an outlet for water as follows :

SCHEDULE OF ASSESSMENT, TOWNSHIP OF CALEDONIA.

Con.	Lot or Pt. of Lot.	Acres.	Value of Improvement.	As Amended by Court of Revision.
6	W. $\frac{1}{2}$ 23	100	\$20 00	\$10 00
6	E. $\frac{1}{2}$ 24	100	40 00	45 00
6	W. $\frac{1}{2}$ 24	100	45 00	45 00
5	W. $\frac{1}{2}$ 18	100	15 00	8 00
5	E. $\frac{1}{2}$ 19	100	15 00	10 00
5	W. $\frac{1}{2}$ 19	100	15 00	20 00
5	N. pt. 20	75	50 00	75 00
5	S. pt. 20	50	15 00	15 00
5	S.W. $\frac{1}{4}$ 24	50	40 00	15 00
5	S.E. $\frac{1}{4}$ 24	50	40 00	50 00
5	S. $\frac{1}{2}$ 23	100	125 00	100 00
5	S. $\frac{1}{4}$ 21	50	50 00	60 00
5	N. $\frac{1}{2}$ 22	100	75 00	100 00
5	S. $\frac{1}{2}$ 22	100	65 00	40 00
5	N.E. $\frac{1}{4}$ 21	50	40 00	60 00
5	N. $\frac{1}{2}$ of S. $\frac{1}{2}$ 21	50	20 00	10 00
4	S.W. $\frac{1}{4}$ 20	50	5 00	7 00
4	S.E. $\frac{1}{4}$ 21	50	5 00	5 00
4	S.W. $\frac{1}{4}$ 21	50	5 00	5 00
Total for lands in Caledonia			\$685 00	\$680 00
Boundary road between Caledonia and Alfred			25 00	25 00
Concession road between 5 and 6			\$25 00	\$25 00
Concession road between cons. 4 and 5			25 00	25 00
Total for lands and roads in Caledonia.			\$760 00	\$755 00

TOWNSHIP OF SOUTH PLANTAGENET.

Con.	Lot or Pt. of Lot.	Acres.	Value of Improvement.	As Amended by Court of Revision.
13	E. pt. 1	100	\$25 00	\$25 00
14	W. $\frac{1}{2}$ C.	80	10 00	10 00
14	Centre C.	50	6 00	6 00
14	E. $\frac{1}{2}$ of E. $\frac{1}{2}$ C.	40	5 00	5 00
14	D.	75	5 00	5 00
Boundary road between Alfred and S. Plantagenet, oppo- site concessions 12 and 13			25 00	25 00
Total for lands and roads in S. Plan- tagenet			\$76 00	\$76 00

SCHEDULE OF ASSESSMENT, TOWNSHIP OF ALFRED.

Con.	Lot or Pt. of Lot.	Acres.	Value of Improvement.	As Amended by Court of Revision.
13....	N. $\frac{1}{2}$ 1	100	\$59 00	\$60 00
13....	S. $\frac{1}{2}$ 1	100	56 00	60 00
13....	N. $\frac{1}{2}$ 2	100	40 00	40 00
13....	S. $\frac{1}{2}$ 2	100	60 00	60 00
13....	W. $\frac{1}{2}$ 3	100	40 00	40 00
13....	E. $\frac{1}{2}$ 3	100	40 00	40 00
13....	4	190	40 00	40 00
14....	Com.....	100	50 00	50 00
14....	3	35	20 00	50 00
14....	E. $\frac{1}{2}$ 2	42	25 00	25 00
14....	W. $\frac{1}{2}$ of W. $\frac{1}{2}$ 2.....	14	12 50	12 50
14....	E. $\frac{1}{2}$ of W. $\frac{1}{2}$ 2	14	12 50	12 50
14....	Centre $\frac{1}{2}$ 2	14	10 00	10 00
14....	S. $\frac{1}{2}$ 1	42	15 00	15 00
14....	N. pt. 1	40	15 00	15 00
Boundary road between Alfred and S. Plantagenet, oppo- site con. 13			25 00	25 00
Boundary road between Cale- donia and Alfred, opposite cons. 13 and 14			25 00	25 00
Total for lands and road in Alfred.....			575 00	\$580 00

The Creek when completed to be kept in repair by the Municipalities of the Townships of Caledonia, Alfred and South Plantagenet, at the expense of the lands and roads herein assessed for construction, said lands and roads paying in the same proportion as for construction.

I have the honor to be, gentlemen,

Your obedient servant,

(Signed) ROBT. LENDRUM, P.L.S.

And whereas the said Council are of the opinion that the drainage of the locality described is desirable :

Be it therefore enacted by the said Municipal Council of the said Township of Caledonia, pursuant to the provision of the Municipal Act :

1. That the said reports, plans and estimates be adopted and the said drain and the works connected therewith be made and constructed in accordance therewith.

2. That the Reeve of the said Township may borrow on the credit of the corporation of the said Township of Caledonia the sum of \$1,411.00, being the funds necessary for the work, and may issue debentures of the corporation to that amount in sums not less than \$100.00 each, and payable within ten years from date hereof, with interest at the rate of 4 per cent. per annum ; that is to say as nearly as may be in equal annually instalments, such debentures to be payable at and to have attached to them coupons for the payment of interest.

3. That for the purpose of paying the sum of \$1,411.00, being the amount charged against the said lands, so to be benefited as aforesaid and other lands and roads belonging to the municipality, and to cover interest thereon for ten years at the rate of 4 per cent. per annum, the following special rates over and above all other rates shall be assessed and levied in the same manner and at the same time as taxes are levied, upon the under mentioned lots and parts of lots and the amount of the said special

rates and interest assessed as aforesaid against each lot or part of lot respectively, shall be divided in ten equal parts and every one such part shall be assessed and levied as aforesaid in each year for ten years during which the said debentures have to run.

TOWNSHIP OF CALEDONIA.

Con.	Lot or part of Lot.	Acres.	Value of Improvement.	To cover int. for 10 years @ 4 %.	Total S. Rate.	Annual assessment during 10 years.
6..	W. $\frac{1}{2}$ of 23.....	100	\$10 00	\$2 20	\$12 20	\$1 22
6..	E. $\frac{1}{2}$ of 24.....	100	45 00	9 90	54 90	5 49
6..	W. $\frac{1}{2}$ of 24.....	100	45 00	9 90	54 90	5 49
5..	W. $\frac{1}{2}$ of 18.....	100	8 00	1 76	9 76	9 76
5..	E. $\frac{1}{2}$ 19.....	100	10 00	2 20	12 20	1 22
5..	W. $\frac{1}{2}$ 19.....	100	20 00	4 40	24 40	2 44
5..	N. pt. 20.....	75	75 00	16 50	91 50	9 15
5..	S. pt. 20.....	50	15 00	3 30	18 30	1 83
5..	S.W. $\frac{1}{4}$ 24.....	50	15 00	3 30	18 30	1 83
5..	S.E. $\frac{1}{4}$ 24.....	50	50 00	11 00	61 00	6 10
5..	S. $\frac{1}{2}$ 23.....	100	100 00	22 00	122 00	12 20
5..	N.W. $\frac{1}{4}$ 21.....	50	60 00	13 20	73 20	7 32
5..	N. $\frac{1}{2}$ 22.....	100	100 00	22 00	122 00	12 20
5..	S. $\frac{1}{2}$ 22.....	100	40 00	8 80	48 80	4 88
5..	N. E. $\frac{1}{4}$ 21.....	50	60 00	13 20	73 20	7 32
5..	N. $\frac{1}{2}$ of S. $\frac{1}{2}$ 21 ..	50	10 00	2 20	12 20	1 22
4..	S.W. $\frac{1}{4}$ 20.....	50	7 00	1 54	8 54	0 85
4..	S.E. $\frac{1}{4}$ 21.....	50	5 00	1 10	6 10	0 61
4..	S.W. $\frac{1}{4}$ 21.....	50	5 00	1 10	6 10	0 61
Chargeable to Caledonia for roads.....			\$680 00	\$149 60	829 60	82 96
			75 00	16 50	91 50	9 15
Total assessment for Caledonia.			\$755 00	\$166 10	\$921 10	\$92 11

TOWNSHIP OF SOUTH PLANTAGENET.

Con.	Lot or part of Lot.	Acres.	Value of Improvement.	To cover int. for 10 years at 4 %.	Total S. Rate.	Annual assessment during 10 years.
13..	E. pt. 1.....	100	\$25 00	\$5 50	\$30 50	\$3 05
14..	W. $\frac{1}{2}$ C.....	80	10 00	2 20	12 20	1 22
14..	Centre C.....	50	6 00	1 32	7 32	0 73
14..	E. $\frac{1}{2}$ of E. $\frac{1}{2}$ C....	40	5 00	1 10	6 10	0 61
14..	D.....	75	5 00	1 10	6 10	0 61
			\$51 00	\$11 22	\$62 22	\$6 22
Chargeable to Municipality of S. Plantagenet for roads			25 00	5 50	30 50	3 05
Total assessment for S. Plantagenet			\$76 00	\$16 72	\$92 72	\$9 27

TOWNSHIP OF ALFRED.

13..	N. $\frac{1}{2}$ 1	100	60 00	13 20	73 20	7 32
13..	S. $\frac{1}{2}$ 1	100	60 00	13 20	73 20	7 32
13..	N. $\frac{1}{2}$ 2	100	40 00	8 80	48 80	4 88
13..	S. $\frac{1}{2}$ 2	100	60 00	13 20	73 20	7 32
13..	W. $\frac{1}{2}$ 3	100	40 00	8 80	48 80	4 88
13..	E. $\frac{1}{2}$ 3	100	40 00	8 80	48 80	4 88
13..	4	190	40 00	8 80	48 80	4 88
14..	Com	100	50 00	11 00	61 00	6 10
14..	3	35	50 00	11 00	61 00	6 10
14..	E. $\frac{1}{2}$ 2	42	25 00	5 50	30 50	3 05
14..	W. $\frac{1}{2}$ of W. $\frac{1}{2}$ 2 ..	14	12 50	2 75	15 25	1.525
14..	E. $\frac{1}{2}$ of W. $\frac{1}{2}$ 2 ..	14	12 50	2 75	15 25	1.525
14..	Centre $\frac{1}{2}$ 2	14	10 00	2 20	12 20	1 22
14..	S. $\frac{1}{2}$ 1	42	15 00	3 30	18 30	1 83
14..	N. pt. 1	40	15 00	3 30	18 30	1 83
			\$530 00	\$116 60	\$646 60	\$64 66
Chargeable to Alfred for roads			50 00	11 00	61 00	6 10
Total assessment for Alfred			\$580 00	\$127 60	\$707 60	\$70 76

4th. For the purpose of paying the sum of \$150.00 being the total amount assessed as aforesaid against the said roads of the said municipalities to cover interest thereon for ten years at the rate of four per cent. per annum, a special rate of _____ in the dollar shall over and above all other rates be levied in the same manner, and at the same time as taxes are levied upon the whole rateable property in the said Township of Caledonia in each year for the period of ten years, during which the said debentures have to run.

5th. That James Renwick and James Surch are hereby appointed commissioners to let, oversee and pass the work of constructing the aforesaid drain, and take securities from the contractors for the due performance of the work subject to the approval of the Council of the said Township of Caledonia.

(Signed) JONATHAN CROSS,

Reeve.

[Seal]

(Signed) FELIX CADIEUX,

Tp. Clerk.

Dated at Fenaghvale this 12th day of Sept. 1891.

SEHEDULE B.

(Section 2.)

BY-LAW No. 288

A By-law to amend By law No. 255 of the Township of Caledonia in the County of Prescott, entitled "The Caledonia Creek By-law," and for borrowing on the credit of the said Municipality of Caledonia the sum of eight hundred dollars (\$800.00) in order to fully carry out the intention thereof.

Provisionally adopted the 15th day of December, A.D. 1896.

Whereas the sum of one thousand four hundred and eleven dollars (\$1,411 00) as mentioned and provided for in said By-law No. 255, has been found insufficient for the completion of the drainage work therein specified.

And whereas it will be necessary to provide a further sum of money for the completion of said work.

And whereas thereupon the said council has procured a further examination to be made by E. T. Wilkie, Civil Engineer and Ontario Land Surveyor, being a person competent for such purpose with a view to the completion of said drainage work, and has also procured plans, specifications and estimates of the drainage work to be made by the said E. T. Wilkie and an assessment to be made by him of the lands and roads to be benefitted by such drainage work or completion thereof, and of other lands and roads liable for contribution thereto, stating as nearly as he can the proportion of benefit, outlet, liability and injuring liability which in his opinion will be derived or incurred in consequence of the completion of such drainage by every road and lot or portion of lot, the said assessment so made being the assessment hereinafter by this By-law enacted to be assessed and levied upon the roads and lots or parts of lots hereinafter in that behalf specially set forth and described, and the report of the said E. T. Wilkie in respect thereof and of the said drainage work being as follows :

Almonte. Ont., October, 1895.

To the Municipal Council of the Township of Caledonia :

GENTLEMEN,—In accordance with the request of the reeve and your township, I have examined "Caledonia Creek" with a view of making a report as to what will be required to be done, and an estimate of the probable cost of completing the work begun in this creek about four years ago.

I beg leave to report that I chained up the creek from the Nation River to Lot No. 20 in the 5th Con. of Caledonia, using a 66 foot chain. I planted a stake every three chains or 198 feet. I then ran a line of levels up the creek from which I made the accompanying profile which shows the condition of the bottom of, or grade in the creek. I could not be sure of getting the same datum that Mr. Lendrum used but from the results I obtained I am satisfied that I am not far from it. I laid the grade (the red line) as high as I could without being above the bottom of the drain at the upper end and the original creek at stake 225.

I found that a new channel had been made for the first 86 chains and also from stake 108 to stake 142, but neither of these are deep enough. From stake 351 which is near the line between the north and south halves of lot No. 22 in the 5th con. Caledonia upwards, considerable work has been done, about half of which is new channel. This portion seems to be deep enough to answer the purpose for which it was made. None of the ditch or new channel was given sufficient slope on the sides nor was the material taken out thrown far enough back from the edge of the ditch, and the result is that the ditch has practically no slopes and that a considerable quantity of the material taken out has fallen back into the ditch and been carried down the stream by the current.

It will be necessary to deepen the ditch and old creek to the depth shewn on the accompanying profile at the stakes where planted and midway between stakes. The ditch is to be made eight (8) feet wide on the bottom, and where possible to have slopes of one and one-half feet horizontal to one foot perpendicular on each side. But in the cuts already made where this cannot be done without making new slopes to the top, make the bottom eight feet wide and give the side all the slope

that can be had. Round off all bends as much as possible both in creek and ditch. From stake 351 the ditch only requires to have the loose material in it thrown out. All material taken out of the ditch must be thrown at least five feet back from the edge so as not to fall or wash in again. I would strongly recommend that the lands stake 175.50 to 185. Stake 255 to 267, stake 321 to 333, and stake 342.50 to 347 be cut off as I have staked them and shown them on the profile; by doing so the distance will be shortened over 17 chains and consequently the grade increased a corresponding amount. Some other bends though not so bad as these can be cut off to good advantage, notably from stake 273 to 285, and stake 303 to 309.

I estimate that the work of cleaning out the ditch and creek from the Nation River up as far as work was done four years ago in Lot No. 20, in the 5 Con., Caledonia, without cutting off the bends mentioned above will cost, including engineering expenses reeve's and clerk's expenses, advertising, etc., eight hundred dollars (\$800.00).

And I assess this sum against the lands and roads to be benefitted and using the creek as an outlet for water in the same ratio as they were assessed on the former assessment, being the amounts mentioned in the following table. Or in the event of the work costing more or less than my estimate, then the part of the total cost shown by the decimal in the last column.

Schedule of assessment for the Township of Caledonia :

Con.	Lot or part of lot.	Acres.	Value of improvement.	Part of total cost.
4....	S.W. $\frac{1}{4}$ 20.....	50	\$3 95	.00496
4....	S.E. $\frac{1}{4}$ 21.....	50	2 85	.00355
4....	S.W. $\frac{1}{4}$ 21.....	50	2 85	.00355
5....	W. $\frac{1}{2}$ 18.....	100	4 50	.00577
5....	E. $\frac{1}{2}$ 19.....	100	5 65	.00707
5....	W. $\frac{1}{2}$ 19.....	100	11 35	.01418
5....	N. pt. 20.....	75	42 50	.05315
5....	Centre pt 20.....	50	8 50	.01063
5....	N. W. $\frac{1}{4}$ 21.....	50	34 00	.04252
5....	N.E. $\frac{1}{4}$ 21.....	50	34 00	.04252
5....	N. $\frac{1}{2}$ of S. $\frac{1}{2}$ 21.....	50	5 65	.007087
5....	N. $\frac{1}{2}$ 22.....	100	56 70	.07087
5....	S. $\frac{1}{2}$ 22.....	100	22 70	.02835
5....	S. $\frac{1}{2}$ 23.....	100	56 70	.07087
5....	S.W. $\frac{1}{4}$ 24.....	50	8 50	.01063
5....	S.E. $\frac{1}{4}$ 24.....	50	28 35	.03544
6....	W. $\frac{1}{2}$ 23.....	100	5 65	.007087
6....	E. $\frac{1}{2}$ 24.....	100	25 45	.03182
6....	W. $\frac{1}{2}$ 24.....	100	25 45	.03182
	Boundary road Caledonia & Alfred....		14 20	.01772
	Concession road Con. 5 and 6.....		14 20	.01772
	Concession road between Cons. 4 and 5		14 20	.01772
Total for lands and roads Caledonia..			\$427 90	

Schedule of assessment for the township of Alfred :

Con.	Lot or part of lot.	Acres.	Value of improvement.	Part of total cost.
13....	N. $\frac{1}{2}$ 1.....	100	\$34 00	.04252
13....	S. $\frac{1}{2}$ 1.....	100	34 00	.04252
13....	N. $\frac{1}{2}$ 2.....	100	22 70	.02835

Con.	Lot or part of lot.	Acres.	Value of improvement.	Part of total cost.
13....	S. $\frac{1}{2}$ 2.....	100	\$34 00	.04272
13....	W. $\frac{1}{2}$ 3.....	100	22 70	.02835
13....	E. $\frac{1}{2}$ 3.....	100	22 70	.02835
14....	4.....	190	22 70	.02835
14....	N. part 1.....	40	8 50	.01063
14....	S. part 1.....	40	8 50	.01063
14....	W. $\frac{1}{2}$ of W. $\frac{1}{2}$ 2.....	14	7 10	.00886
14....	E. $\frac{1}{2}$ of W. $\frac{1}{2}$ 2.....	14	7 10	.00886
14....	Centre $\frac{1}{2}$ W. $\frac{1}{2}$ 2.....	14	5 65	.007087
14....	E. $\frac{1}{2}$ 2.....	42	14 20	.01772
14....	3.....	35	28 35	.03544
14....	Commons.....	100	28 35	.03544
	Boundary road Alfred and Caledonia.....		14 20	.01772
	Boundary road Alfred and S. Plantagenet.....		14 20	.01772
Total for lands and roads in Alfred.			\$328 95	

Schedule of assessment for the Township of South Plantagenet :

Con.	Lot or part of lot.	Acres.	Value of improvement.	Part of total cost.
13....	E. part 1.....	100	\$14 20	.01772
14....	W. part C.....	80	5 65	.007087
14....	Centre part C.....	50	3 40	.00452
14....	E. $\frac{1}{2}$ of E. $\frac{1}{2}$ C.....	40	2 85	.003544
14....	D.....	75	2 85	.003544
	Boundary road Alfred and South Plan- tagenet.....		14 20	.01772
Total lands and roads S Plantagenet..			\$43 15	

Summary—

Total for Township of Caledonia.....	\$427 90
" " " Alfred.....	328 95
" " " South Plantagenet.....	43 15
Total assessment.....	\$800 00

The creek or ditch when completed is to be kept in repair by the municipalities of the townships of Caledonia, Alfred and South Plantagenet at the expense of the lands and roads herein assessed for construction, said lands and roads are to pay in the same ratio as for construction.

I have the honor, Gentlemen, to be
Your obedient servant,

(Sgd) E. T. WILKIE, C.E. Ont. L.S.

And whereas the said Council are of opinion that the completion of the drainage of the area described is desirable.

Therefore the said Municipal Council of the said township of Caledonia, pursuant to the provisions of the *Drainage Act 1894*, enacts as follows :

1. The said report, plans, specifications, assessments and estimates are hereby adopted and the drainage work as therein indicated and set forth being a completion of said drainage work as mentioned in said By-law number 255, shall be made and constructed in accordance therewith.

2. The reeve of the said Township of Caledonia may borrow on the credit of the corporation of the said Township of Caledonia the sum of eight hundred dollars (\$800.00), being the funds necessary for the completion of the said drainage work not otherwise provided for and may issue debentures of the Corporation to that amount in sums of not less than fifty dollars (\$50.00) each and payable within ten (10) years from the date thereof with interest at the rate of four (4) per centum per annum, that is to say : In ten equal annual debentures without coupons of ninety-eight dollars and fifty cents (98 50) each, being the amount required to discharge said sum of eight hundred dollars (800.00) and interest thereon at the rate aforesaid within the said period of ten years, such debentures to be payable at the office of the Treasurer of the Province of Ontario, Toronto.

3. For paying the sum of eight hundred dollars (800.00), the amount charged against the said lands and roads for benefit, including lands and roads belonging to or controlled by the municipality and for covering interest thereon for ten (10) years at the rate of four (4) per centum per annum, the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the under-mentioned lots and parts of lots and roads, and the amount of the said total special rates and interest against each lot or part of lot respectively shall be divided into ten (10) equal parts, and one such part shall be assessed, levied and collected as aforesaid in each year for ten (10) years after the final passing of this by-law during which the said debentures have to run.

Schedule of assessment for the township of Caledonia.

Con.	Lot or part of lot.	Acres.	Value of improvement.	Annual assessment to cover prin. and int. during each year for 10 years 4% int.
4	S.W. $\frac{1}{4}$ 20.....	50	\$3 95	.486
4	S.E. $\frac{1}{4}$ 21.....	50	2.85	.350
4	S.W. $\frac{1}{4}$ 21.....	50	2.85	.350
5	W. $\frac{1}{2}$ 18.....	100	4.50	.554
5	E. $\frac{1}{2}$ 19.....	100	5.65	.695
5	W. $\frac{1}{2}$ 19.....	100	11 35	1.397
5	N. pt. 20.....	75	42.50	5.232
5	Centre pt. 20.....	50	8.50	1.046
5	N.W. $\frac{1}{4}$ 21.....	50	34.00	4.186
5	N.E. $\frac{1}{4}$ 21.....	50	34.00	4 186
5	N. $\frac{1}{2}$ of S. $\frac{1}{2}$ 21.....	50	5 65	.695
5	N. $\frac{1}{2}$ 22.....	100	56 70	6.981
5	S. $\frac{1}{2}$ 22.....	100	22.70	2 794
5	S. $\frac{1}{2}$ 23.....	100	56.70	6.981
5	S.W. $\frac{1}{4}$ 24.....	50	8.50	1.046
5	S.E. $\frac{1}{4}$ 24.....	50	28 35	3.490
6	W. $\frac{1}{2}$ 23.....	100	5.65	.695
6	E. $\frac{1}{2}$ 24.....	100	25.45	3.133
6	W. $\frac{1}{2}$ 24.....	100	25.45	3.133
	Boundary road Caledonia & Alfred.....		14 20	1.748
	Concession road, Concessions 5 & 6.....		14.20	1.748
	Concession road between Concessions 4 & 5.....		14.20	1.748
Total for lands and roads, Caledonia.....			\$427.90	\$52.685

Schedule of assessment for the township of Alfred.

Con.	Lot or part of lot.	Acres.	Value of improvements.	Annual assessment
				to cover prin. and int. during each year for 10 years, 4% int.
13	N. $\frac{1}{2}$ 1.....	100	\$34.00	4.186
13	S. $\frac{1}{2}$ 1.....	100	34.00	4.186
13	N. $\frac{1}{2}$ 2.....	100	22.70	2.794
13	S. $\frac{1}{2}$ 2.....	100	34.00	4.186
13	W. $\frac{1}{2}$ 3.....	100	22.70	2.794
13	E. $\frac{1}{2}$ 3.....	100	22.70	2.794
13	4.....	190	22.70	2.794
14	N. pt. 1.....	40	8.50	1.046
14	S. pt. 1.....	40	8.50	1.046
14	W. $\frac{1}{3}$ of W. $\frac{1}{2}$ 2.....	14	7.10	.874
14	E. $\frac{1}{3}$ of W. $\frac{1}{2}$ 2.....	14	7.10	.874
14	Centre $\frac{1}{3}$ of W. $\frac{1}{2}$ 2.....	14	5.65	.695
14	E. $\frac{1}{2}$ 2.....	42	14.20	1.748
14	3.....	35	28.35	3.490
14	Commons.....	100	28.35	3.490
	Boundary road Alfred & Caledonia....		14.20	1.748
	Boundary road Alfred & S. Plantagenet		14.50	1.748
Total for lands and roads in Alfred...			\$328.95	\$40.502

Schedule of assessment for the township of South Plantagenet.

Con.	Lot or part of lot.	Acres.	Value of improvements.	Annual assessment
				to cover prin. and int. during each year for 10 years int. 4%.
13	E. pt. 1.....	100	\$14.20	1.748
14	W. pt. C.....	80	5.65	.695
14	Centre pt. C.....	50	3.40	.418
14	E. $\frac{1}{2}$ of E. $\frac{1}{2}$ C.....	40	2.85	.350
14	D.....	75	2.85	.350
	Boundary road Alfred and S. Plantagenet..		14.20	1.748
Total lands and roads S. Plantagenet..			\$43.15	\$5.312

Summary.

Total for township of Caledonia.....	\$427.90	\$52.685
“ “ Alfred.....	328.95	40.502
“ “ South Plantagenet.....	43.15	5.312
Total.....	\$800.00	\$98.499

4th. This By-law shall not require any publication whatever and shall come into force upon and after the final passing thereof and may be cited as the “Caledonia Creek Amending By-law.”

Finally passed at the township of Caledonia this fifteenth day of December A.D. 1896.

(Sgd.) JONATHAN CROSS,
Reeve.

(Seal.) (Sgd.) FELIX CADIEUX,
Township Clerk.

2nd Session 9th Legislature, 62 Vict, 1899

BILL.

An Act respecting certain By-laws concern-
ing drainage in the Townships of Galeo-
nia, Alfred and South Plantagenet.

First Reading, 15th February, 1899

Second Reading, 3rd March, 1899.

*(Reprinted as amended in Committee of
Whole House.)*

Mr. GUIBORD.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 31.]

BILL.

[1899.

An Act Respecting the Town of Goderich and the
Goderich Elevator and Transit Company, Limited.

WHEREAS, by the Act, Chapter 41 of 61 Victoria, the Preamble.
corporation of the Town of Goderich was authorized to
aid by way of loan or of bonus or of subscribing and paying
for capital stock in a joint stock or other company organized
5 for the purpose of acquiring and managing an elevator at the
said town, to an amount not exceeding the sum of \$50,000 ;
and whereas, the said the Corporation of the Town of
Goderich has, by its petition represented and it appears that,
pursuant to the said Statute, a by-law was duly submitted to the
10 ratepayers of the said town and duly voted upon and approved
by a large majority, and was finally passed by the council of
the said corporation, determining to aid the said elevator
company by subscribing for stock in a joint stock company
which had meantime been duly incorporated according to the
15 laws of this Province called "The Goderich Elevator and Transit
Company, Limited," to erect and manage the said elevator, to the
amount of the said sum of \$50,000, and the said corporation did,
accordingly, duly subscribe for and become the holder of stock
in the capital stock of the said company to the extent of
20 the said sum of \$50,000, upon which the sum of \$40,000
has been fully paid, and the said elevator has also been, since,
erected and completed at an expense of \$105,000 and is now
in full operation ; and whereas, in and by the said petition, it
is further represented, and it appears that it will serve all the
25 purposes of the said, the elevator company, and will be to the

interest of the said the Corporation of the Town of Goderich if, instead of the said the Corporation of the Town of Goderich being and continuing to be such stockholder as aforesaid, a guarantee of the bonds or debentures of the said elevator company to the amount of the said sum of \$50,000 and interest 5 thereon not to exceed five per cent. per annum is given by the said the Corporation of the Town of Goderich, such bonds or debentures to form and be a first charge upon the said elevator premises, such aid by way of guarantee to be in lieu of the said subscription for stock and of all other aid by the said the 10 Corporation of the Town of Goderich to the said elevator company. And the said the Corporation of the Town of Goderich by their said petition have prayed to be allowed by special Act to authorize the said proposed guarantee of bonds or debentures to the extent of the said sum of \$50,000 and interest 15 as aforesaid in lieu of all other aid, and in substitution for the said subscription for stock which, upon the said guarantee being given, is to be cancelled and all monies paid thereon refunded to the said the Corporation of the Town of Goderich; and whereas, no opposition has been offered to the said peti- 20 tion; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:— 25

Authority to enter into bonds.

1. It shall be lawful for the Corporation of the said Town of Goderich, by and through its municipal council by and with the consent of The Goderich Elevator and Transit Company, Limited, to enter into and execute all necessary bonds, covenants and agreements under its corporate seal, for the purpose 30 of guaranteeing the due payment of the bonds or debentures of the said The Goderich Elevator and Transit Company, Limited, to the holders of such bonds or debentures to the amount of not more than \$50,000 and the interest thereon at a rate not to exceed five per cent. per annum, payable 35 quarterly, half yearly, or at most yearly, for a period not exceeding twenty years from the date of the issue of such bonds or debentures to the purchaser or purchasers thereof, and such bonds or debentures to be and form a first lien and charge upon the whole lands, buildings and plant of the said The 40 Goderich Elevator and Transit Company, Limited, until fully paid and satisfied.

Form of guarantee.

2. The said guarantee may be given and made effective in such form, and subject to such conditions and agreements as may be agreed upon between the said the Corporation of the Town 45 of Goderich and the said The Goderich Elevator and Transit Company, Limited, and the purchaser or purchasers of the said bonds or debentures, so as that the total obligation incurred

or to be incurred by the said the Corporation of the Town of Goderich shall not, on the whole, exceed the said sum of \$50,000 and interest as aforesaid.

3. The giving of the said guarantee shall be in lieu and Guarantee in lieu of stock. satisfaction of the said subscription for stock by the said the Corporation of the Town of Goderich, and upon the said guarantee being executed and perfected, the said subscription for stock shall be absolutely cancelled and at an end, and all liability arising from or by reason of the said subscription for stock in the said elevator company by the said the Corporation of the Town of Goderich shall thereupon at once cease as if the said subscription for stock had never been made, and the said The Goderich Elevator and Transit Company, Limited, shall forthwith thereafter repay to the said the Corporation of the Town of Goderich all monies paid upon calls or otherwise upon said stock subscription and interest thereon from the date of each payment at the rate of five per cent. per annum until such repayment as aforesaid.

4. It shall and may be lawful for the said the Corporation Provisions for securing guarantee. of the Town of Goderich to take and hold an insurance policy or insurance policies or such other or additional security by way of mortgage upon lands or upon chattels or otherwise, as it may be advised to secure and protect the liability to be incurred by reason of the said guarantee, and as may be agreed upon by and between the said the Corporation of the Town of Goderich and the said The Goderich Elevator and Transit Company, Limited, and upon default to pursue all such remedies by suit or otherwise upon such securities, and each and any of them as could be adopted by any lawful holder of similar securities, including such right as an encumbrancer upon lands, may legally have and exercise in case of fire, to have the insurance monies applied in or towards rebuilding.

5. It shall be lawful for the municipal council of the said the Corporation of the Town of Goderich, so long as the said Appointment of director by municipality. guarantee is in force to appoint out of the members of the said council one director to sit and vote and act with the directors appointed by the shareholders of the said The Goderich Elevator and Transit Company, Limited, who shall have all the powers and privileges of an ordinary director of the said company; such appointment may be made at any regular meeting of the said council by resolution or by-law, and when made shall continue for one year unless in case of the death, removal, resignation or refusal to act of the director so appointed, in any of which events a new director may be, from time to time and as often as necessary, appointed by the said municipal council to fill such or any vacancy, and each appointment of a director shall be duly certified in writing to the said The Goderich Elevator and Transit Company, Limited, by the town clerk under the corporate seal.

BILL.

An Act to amend an Act respecting the
Town of Goderich.

First Reading,	1899.
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(Private Bill.)

Mr. GARROW

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 32.]

BILL.

[1899.

An Act to Confirm By-law No. 779 of the City
of Stratford.

WHEREAS the Municipal Council of the City of Stratford **Preamble**
and John Whyte the younger, and Robert P. Whyte
heretofore carrying on business as and under the style of The
Whyte Packing Company, have by their petition represented
5 that on the day of January, A.D. 1899, they entered
into the agreement set forth in Schedule A hereto first having
passed the By-law set forth in Schedule B, hereto being By-
law No. 779, of the said municipality of Stratford which was
submitted to a vote of the ratepayers entitled to vote on money
10 by-laws as provided by *The Municipal Act*, and 742 of the
ratepayers qualified as aforesaid voted in favor of the said by-
law and only 169 of the ratepayers opposed the same; and
whereas there exists between the said by-law and the said
agreement some discrepancies as to the style of the firm name
15 and the name of the company to be incorporated as therein
provided for, and as to the terms and conditions upon which
the said agreement should be entered into from what it should
contain; and whereas the said by-law having been published
before the said agreement was fully considered by the council
20 of the said city corporation thereby rendering it inexpedient
by reason of the loss of time that would have been required to
do so to make the agreement exactly conform to the provisions
of the by-law or the by-law to the provisions of the agreement;
and whereas the agreement having been fully considered and
25 adopted by a very large committee embracing a majority of
the council, nine days and printed and published as the same

now is, not only in the press of the said city but by a very large number of copies intended to be distributed amongst the ratepayers of the said city and actually distributed amongst them, so that they might fully understand the nature of the said agreement, before voting upon the said by-law: and 5 whereas the said council and the said John Whyte the younger and Robert P. Whyte by their petition have prayed that the said agreement may be confirmed and declared legal and valid, and the said by-law also confirmed and declared and valid, with the provision however that in so far as and in 10 what parts soever there may be any conflict between the by-law and the agreement to be provided that the provisions of the agreement shall govern and that whilst rendering said agreement and by-law valid the municipal council of the said City of Stratford, and the said John Whyte the younger and 15 Robert P. Whyte, or the corporate company contemplated to be formed, may be enabled to make and execute such further provisions as may be necessary between the said parties as to effectually carry out the the said agreement in Schedule A, in the true spirit and intent thereof; and whereas it is expedient 20 to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement confirmed.

1. The agreement set out in Schedule A. to this Act is hereby confirmed and declared legal and valid for all purposes and it shall be lawful for the corporation of the City of Stratford and the said John Whyte the younger and Robert P. Whyte or the said corporate company to do any and all acts necessary to carry out and give full effect to the said agreement in all 30 respects and according to the true spirit, intent and meaning thereof.

By-law 779 confirmed.

2. The said by-law No. 779 of the corporation of the City of Stratford as set forth in Schedule B. to this Act, is hereby legalized, confirmed and declared to be valid and binding from 35 the time of the passing thereof, to all intents and purposes, save and except wherein the same may conflict with the provisions of the said agreement, and in such points of conflict the said agreement in Schedule A. shall govern.

Authority to repeal by-law.

3. Notwithstanding anything in the said agreement or in the 40 said by-law contained it shall be competent for the said corporation of the City of Stratford, in the event of the said project referred to in the said by-law and agreement falling through from any cause whatsoever to repeal the said by-law.

SCHEDULE A.

(Section 1.)

THIS AGREEMENT (in duplicate) this _____ day of December, in the year of Our Lord, one thousand eight hundred and ninety-eight, between John Whyte, the younger, and Robert P. Whyte, both of the town of Mitchell in the County of Perth, Pork Packers, hereinafter called the parties of the first part, and the Corporation of the City of Stratford, hereinafter called the parties of the second part :

Whereas, the parties of the first part have heretofore been carrying on business in the town of Mitchell under the name, style and firm of The Whyte Packing Company, and they intend to become, along with such others as may take stock in the proposed company, an incorporated company, under the name of the Whyte Packing Company of Stratford, Limited, and it is intended that the said company when incorporated either under the Ontario Companies Act, or The Companies Act or both with a view to carrying on the business of pork packing in the said city of Stratford, such company to have at least a capital stock of one hundred and fifty thousand dollars, and subscribed capital stock of one hundred thousand dollars whereof, before these presents have become operative and entitle the parties of the first part or the said company to the guarantee and privileges hereinafter referred to, sixty-five thousand dollars shall have been paid up.

And whereas, the parties of the first part intend that they or the said company so incorporated shall acquire land in the City of Stratford whereon to build, and that they shall build thereon the following buildings, that is to say :

1. A main building to be one hundred and twelve feet by ninety-six feet ; three stories high, and also a basement story the whole size ; the basement to be of substantial stone foundation and the three stories above that to be of brick, the first and second stories being two brick thick and the third story a brick and one-half thick.

2. A killing house at least fifty feet by fifty feet, two stories high of substantial brick, well built on substantial stone foundation.

3. An engine room of at least fifty feet by thirty-six feet and two stories high, built substantially of brick upon substantial stone foundation.

And whereas, the estimated cost of the said buildings shall be from twenty thousand to twenty-five thousand dollars and therein and in connection therewith is to be placed machinery and plant, consisting of engines, boilers, freezers and scraping machines, and all other appliances incidental to and needful to be used in a well appointed and complete packing house, being estimated to cost about twenty-five thousand dollars in addition to the said buildings ; the whole, buildings plant and machinery, appliances, land and property in connection therewith to cost in all at least, and be worth at least forty-five thousand dollars, and for the expenditure thereof, making the said sum of forty-five thousand dollars, the parties of the first part or their said company are to produce the vouchers and evidence to show to the satisfaction of the engineer for the city and the solicitor for the said city, who are to report thereon to the council of the said city and their report to be binding and final.

And whereas, upon it being reported by the said engineer and solicitor aforesaid that there has been expended by the said parties of the first part, or the said company the said sum of forty-five thousand dollars and a mortgage, lien, or other form of security approved of by the said city solicitor forming the first charge upon the said land has been created for the purpose of borrowing upon the security of the whole of the said

property both real and personal, the sum of thirty thousand dollars, then the said parties of the second part shall and will guarantee the payment of the said sum and interest at such rate as may be agreed upon.

And whereas, it has been agreed that the said loan shall be repaid in annual instalments of not less than fifteen hundred dollars in each year with interest in the meantime upon the unpaid principal, and that the property covered by said mortgage, lien or other form of security shall be insured to at least the sum of twenty-five thousand dollars in a company or companies to be approved of by the parties of the second part; it being understood, however, that upon the reduction by the said payments on account of the said loan below the said sum of twenty-five thousand dollars, that the said insurance may be proportionately reduced, but in any case the policies shall be either assigned to the said parties of the second part or to the parties advancing the money or some one in trust for one or other or both.

And whereas, doubts may exist as to the parts of the said plant or machinery being within the class which might otherwise be known as personal property, and it is the intention and is hereby declared the intention of the parties of the first part, and will hereafter be declared by the said company to be the intention of them (the said company) that any such property shall become part of the real estate and be real estate, and that the said mortgage, lien or other form of security having been charged thereon shall be valid and binding upon all the said property whether it might otherwise have been classed as personal property or not and the said mortgage, lien or other form of security be an effective charge thereupon without annual renewal within the meaning of the Act known as *The Bills of Sale and Chattel Mortgage Act*.

And whereas, in the event of default being made in the annual payment of the said instalments or interest, it is to be distinctly understood that the allowing of the said default to continue for more than one year without steps being taken and prosecuted to enforce the said mortgage, lien or other form of security, by the holders thereof against the property, will forfeit as to such instalments and interest in arrear the guarantee of the said city.

And whereas, the parties of the first part of the said company are to be given exemption from taxation for their land and premises, whereon are erected the said buildings, plant and machinery, and the said buildings, plant and machinery if there will have been employed continuously for a period of at least ten months in the year at least fifty men residing in the City of Stratford, in the carrying on of the said business, and that said exemption from taxation shall (if and so long as from year to year at least said number of men resident in said City of Stratford are continuously employed for at least said period of ten months in each year), continue for the period of twenty years from the first day of January next preceeding the giving of the said guarantee.

And whereas, the said company may for valid business reasons find it inconvenient to continue in any one year for ten months the employment of so large a number of men, and may find it prudent to depart from that standard in any one year, and it is understood that such departure for such valid business reasons shall not be construed as a forfeiture of the said provisions, if during a period of three years including the first year in which such departure or default takes place as the first of said three years, there shall have been employed within and during the said period of three years either a sufficient number of men by increasing the number beyond fifty or by continuing the business with at least fifty in any one or more years of the said three years, so as to result in making a disbursement for wages during the said whole period of three years taken as a whole, a sum equal to what would have been disbursed for wages to fifty men employed for ten months in each year continuously over the said period and so on from time to time in successive periods of the like space of three years during said twenty years.

And whereas, in the event of the average number of men so employed for any such three years falling below the said standard of fifty men continuously for at least ten months in each year for the said period of three years, it is intended that said exemptions from taxation shall thereafter cease in and upon the said assessable value of the said property in the like proportion in which the said falling off in the average of the said fifty men per year bears to said whole number and the property aforesaid thenceforward shall be liable to taxation in that proportion and shall from time to time after each successive period of three years in which there has been any further reduction of the said average number of men be further proportionately liable to taxation.

And whereas, it is not intended by the said concession that there shall be withdrawn from the present assessable real estate of the city a greater quantity of land than to the amount of two thousand dollars' worth according to the assessed or assessable value thereof.

And whereas, the parties of the second part have agreed in order to facilitate the said pork packing establishment in securing drainage that they will within six months from the date hereof construct the remaining part of the trunk sewer which now ends on Gore street to its final termination at the culvert on Erie street as heretofore projected, and will give to the Stratford Water Supply Company the necessary instructions to entitle them to extend their main from Erie street or elsewhere towards the point where the said buildings for the packing business may be carried on for at least such a distance as will entitle the said Water Supply Company to be paid for, if necessary, two more hydrants, and in the event of the parties of the second part acquiring the works of the said Water Supply Company, the parties of the second part will build or construct at least a like distance of one thousand feet which will be required to entitle the Water Supply Company under the present contract with the parties of the second part, to be paid for an extra hydrant.

Now therefore this agreement witnesseth, that the parties hereto hereby covenant and agree to and with each other as follows :

1. The parties of the first part agree to form and become along with such others as may take stock in the said proposed company, an incorporated company under the name of The Whyte Packing Company of Stratford, Limited, to be incorporated either under *The Ontario Companies Act*, or *The Companies Act* and amendments thereto, or both, with a view to carrying on and for carrying on the business of pork packing in the city of Stratford, the said company to have at least a capital stock of one hundred and fifty thousand dollars, and a subscribed capital stock of one hundred thousand dollars, whereof sixty-five thousand dollars shall have been paid up capital before they the parties of the first part shall be entitled to claim from the parties of the second part the execution of the guarantee and grant of the privileges hereinbefore recited.

2. The said parties of the first part shall and will procure the said Company when so incorporated to execute an agreement with the city, binding the said corporate company to keep and observe all the provisions herein contained, and put forth as intended to be binding upon the said parties of the first part and the said corporate company or the said corporate company.

3. The said parties of the first part covenant with the parties of the second part that the said corporate company shall and will acquire land in the city of Stratford whereon to build and that they shall build thereon the following buildings, that is to say :

- (a) A main building to be one hundred and twelve feet by ninety-six feet, three stories high, and also a basement story the whole size ; the basement to be of substantial stone foundation and the three stories above that to be of brick, the first and second stories being two bricks thick, and the third story a brick and a half thick.

(b) A killing house of at least fifty feet by fifty feet, two stories high of substantial brick, well built on substantial stone foundation.

(c) An engine room of at least fifty feet by thirty-six feet and two stories high, built substantially of brick upon substantial stone foundation. And shall place therein and in connection therewith machinery and plant, consisting of engines, boilers, freezers and scraping machines, and all other appliances incidental to and needful to be used in a well appointed and complete packing house, and that the whole building, plant and machinery, appliances and land and property in connection therewith shall cost in all at least and be worth at least forty-five thousand dollars.

4. The said parties of the first part or the said company in their lieu and stead will proceed immediately after the erection of the said buildings, and placing therein the plant and machinery aforesaid, and show to the satisfaction of the engineer of the city and the solicitor for the said city, vouchers and evidence to satisfy them that the said sum of forty-five thousand dollars or such other sum as may be the correct sum, has been expended in the building of the said buildings and placing therein of plant and machinery, and the acquiring of the said land and other connections in the way of tracks or constructions to make the said property work efficiently.

5. The parties of the first part shall and will, or the said company for them and in their stead shall and will have the said buildings erected and completed within one year from the date hereof and be ready then to operate the same, and shall thenceforward after the completion thereof employ and continue to employ for at least ten months in the year for each and every year for the period of twenty years following fifty men residing in the said city of Stratford.

6. The parties of the first part covenant that in each year during the said twenty years, in the first week in January in each year, the president and secretary of the said company shall furnish to the parties of the second part, by delivering to their clerk, or such officer as they may appoint for the purpose of receiving the same, a declaration duly made under *The Canadian Evidence Act 1893*, showing the name and place of abode in said city of each man employed in carrying on of the said business and the time for which such man had served during the preceding year in the carrying on of the said business, and upon the request of the council of the parties of the second part, the said company shall and will at any time after the furnishing of the said declaration or in default of the same having been furnished, shall and will at any time upon request exhibit to the parties of the second part or such person or officer as they may appoint for the purpose of inspecting the same, all the books of the said company containing any entry in relation to the payment of wages or the hiring of men for the years preceding that in which the demand shall be made.

7. In the event of the said company finding it inconvenient for valid business reasons to continue in any one year for ten months the employment of so large a number of men as hereinbefore provided and prudent to depart from that standard in any one year, it is understood and agreed that such departure for such valid business reasons shall not be construed as a breach of the said covenant in paragraph 5 hereof, if during a period of three years including the first year of default as first of said three years there shall have been employed within and during the said period of three years either a sufficient number of men by increasing the number beyond fifty or by continuing the business with at least fifty men long enough in any and all of the said three years so as to result in making a disbursement for wages during said whole period of three years taken as a whole, a sum equal to what would have been disbursed for wages for fifty men employed for ten months in each year continually over the said period and so on from time to time in successive periods of the like space of three years during the said twenty years or the then remainder thereof, always counting the first defaulting year of the series as first thereof.

8. Upon the completion of the said work and report of the said engineer and solicitor to the council, showing the amount expended in connection with the building of the said buildings and placing therein of the plant and machinery and acquiring of the said land and other connections in the way of tracks or erections to make the said property work efficiently, the said company shall place before the council of the said parties of the second part the mortgage, lien or other form of security showing how they propose to secure the proposed loan of thirty thousand dollars to be secured and the rate of interest to be payable thereupon, which it is understood shall be a reasonable rate of interest to be approved of by the parties of the second part.

9. In the event of there being any difference between the said sum of forty-five thousand dollars and the actual cost for purposes aforesaid according to the said report of engineer and solicitor, the council may, if such report show a less expenditure than forty-five thousand dollars, make allowance and arrangement therefor on the basis of the like proportion of the amount to be guaranteed by the parties of the second part as exists between the said proposed loan of thirty thousand dollars and forty-five thousand dollars of expenditure.

10. The parties of the second part shall and will thereupon at the request of the said parties of the first part, or the said corporate company, execute such a good and sufficient guarantee as will bind the parties of the second part to secure to the lender or lenders of the said proposed loan or any part thereof, payment thereof at the rate of fifteen hundred dollars a year of principal with interest at the rate to be agreed upon by the parties hereto of the second part and the said company upon the unpaid principal, and upon the understanding and agreement that the said mortgage, lien or other form of security, shall be a first charge upon all the said property including the land and premises acquired for the purposes of the said property and rights of way and track therein and thereto, the buildings erected thereon, plant and machinery placed therein, and all other constructions and erections made in or to make the said property work efficiently, the same having been declared by the said company to be and form part of the real estate in question, whether it might otherwise have been so held at common law or not.

11. To effectually carry out the purpose of these presents and they shall be only operative upon that being done, it is expected that the Legislature will by an Act to be passed declare all the said property real estate and not require an annual renewal of chattel mortgage upon that part that might otherwise be looked upon as personal property.

12. The parties of the second part agree that the said company are to be given exemption from taxation for the said land and premises whereon are to be erected the said buildings, plant and machinery, and the said buildings, plant and machinery if and so long as they will have employed continuously for a period of at least ten months in the year at least fifty men residing in the City of Stratford in the carrying on of the said business to be continued for the period of twenty years from the first day of January next preceding the giving of the said guarantee. Provided always that if the land acquired as above exceeds two thousand dollars of assessable or assessed value, then such excess shall not be exempt.

13. It is further agreed that if as hereinbefore provided for valid business reasons it is found inconvenient to continue in any one year for ten months, the employment of so large a number of men and prudent to depart from that standard in any one year, that such departure shall not be construed as a forfeiture of said provision for exemption if during a period of three years, including the first year of said three years, there shall have been employed within and during the said period of three years, either a sufficient number of men by increasing the number beyond fifty or by continuing the business with at least fifty long enough in any or all of said years of the said three years, so as to result in making a disbursement for wages during said whole period of three years, taken as a whole, a sum

equal to what would have been disbursed for wages to fifty men employed for ten months in each year continuously over the said period and so on from time to time in successive periods of the like space of three years during the said twenty years or the remainder thereof; it being understood that in each case the first year in which a departure shall have taken place shall for the purpose of the commutation of three years be the first of the said period of three years.

14. In the event of the average number of men so employed for any such three years falling below the said standard of fifty men continuously for at least ten months in each year for the said period of three years, the said exemption from taxation shall forthwith cease in and upon the said assessable value of the said property in like proportion in which the said falling off in the average of the said fifty men per year bears to the whole number and the property aforesaid thence forward shall be liable to taxation in that proportion, and shall from time to time after each successive period of three years in which there has been any further reduction of the said average number of men be further proportionately liable to taxation.

15. And the parties of the second part covenant to and with the parties of the first part, that they, the parties of the second part, shall and will continue the trunk sewer at present in course of construction from the point on Gore street, where constructed, to the termination thereon as originally projected at the culvert on Erie street; and will in any event give to the Stratford Water Supply Company the necessary instructions to entitle the Stratford Water Supply Company to extend their main from Erie street or elsewhere towards the point where the said buildings for the said pork packing business are to be erected for at least such a distance as will entitle the said Stratford Water Supply Company, under their existing agreement with the city, to charge for at least, if necessary, two extra hydrant services per annum, and will in the event of the parties of the second part acquiring the said works extend the water main from Erie street or elsewhere over the like distance at the expense of the said parties of the second part.

16. The parties of the second part shall and will repeal their present by-law, or so amend same as to make an exception in favor of the said company as to the provisions prohibiting carrying on of slaughter houses within the city limits upon getting necessary legislative authority therefor.

17. The said guarantee shall provide that the allowing of any default in payment of the annual instalment of interest to continue for more than one year without steps being taken and prosecuted to enforce the said mortgage, lien or other form of security, by the holders thereof against the property will forfeit the guarantee of the said city; the same remaining good, however, against default as to future instalments until they shall have been allowed to remain in default for one year without steps being taken and prosecuted to enforce as aforesaid, and so from time to time.

18. It is understood and agreed that an application shall be made jointly by the parties hereto for an Act of the Legislature of the Province of Ontario to be passed at the next session ensuing the execution hereof, rendering binding and valid this agreement and the by-law for granting said privileges now being published, and enabling the parties hereto and the said company to so deal with both the said by-law and agreement as to render them consistent in any particular wherein they may be now inconsistent, and to enable the municipality to make and execute such future provisions as may be necessary between the parties of the second part and the said corporate company to effectually carry out these presents, in the true spirit and intent thereof.

SCHEDULE B.

(Section 2.)

BY-LAW NO. 779 OF THE CITY OF STRATFORD.

To authorize the said city to guarantee the payment of \$30,000 to be borrowed by the firm of Messrs. John Whyte & Sons upon a packing factory to be erected.

Whereas the firm of John Whyte & Sons, of the Town of Mitchell, also carrying on business in the said City of Stratford, have recently determined, upon the conditions of this by-law being passed, to erect in the said City of Stratford a pork packing establishment to cost not less than the sum of fifty thousand dollars.

And whereas it has been agreed, in the event of their doing so, or their being able to form a joint stock company with a capital of not less than \$100,000, and inducing the said company to do so, that the said city shall and will guarantee the payment of a loan of \$30,000, to be obtained by the said firm or by the said company upon the security of the said pork packing establishment and all machinery and plant therein used therewith to be repaid in sums of \$1,500 a year, with interest, as may be agreed upon between the said company or firm and the lender of the money.

And whereas it is the intention, in the event of this by-law being adopted by a majority of the ratepayers of the said city entitled to vote upon a money by-law, to apply to the Legislature of the Province of Ontario for an Act confirming the said by-law and authorizing the said guarantee, and the said agreement.

And whereas the amount of the whole rateable property of the said municipality being for the year 1897, the sum of \$3,965,140 00.

And whereas the amount of the existing debt of the said municipality is the sum of \$741,840, of which the sum of \$407,000 is principal and the sum of \$334,840 is interest, and of the said principal and interest nothing is in arrear.

Be it therefore enacted by the corporation of the City of Stratford, as follows :

1. That it shall and may be lawful for the Mayor of the said City of Stratford and the council of the said City of Stratford to enter into an agreement with the said firm of John Whyte & Sons, or with the company now being promoted by them and incorporated under *The Ontario Companies Act*, for the purpose of carrying on the business of Pork Packing, to guarantee the repayment by the said John Whyte & Sons, or by the said corporate company of the sum of \$30,000, to be borrowed by them on a mortgage to be given upon the building and plant to be hereafter erected for the purpose of carrying on the said business in the said City of Stratford, upon such terms that the said mortgage shall be extended for twenty years and be reduced by payments of one thousand five hundred dollars and interest in each year during the said twenty years.

2. That it shall and may be lawful for the mayor and council of the said city to make such conditions and stipulations in connection with the carrying on of the said business before executing any such guarantee as to the said mayor and council for the time being may seem fit, in connection with the establishment and carrying on of the said works and the repayment of the said loan.

3. That in any event the said power shall not be exercised upon any agreement having any stipulation providing for the employment of less than at least fifty men for each year continuously during each year unless at the option of the said mayor and council it may be thought desirable to dispense with such employment for a period not exceeding two months in any one year.

4. This by-law shall take effect and come into force on the 17th day of January, 1899.

5. On the 28th of December, A.D. 1898, at the hour of ten o'clock in the forenoon at the Mayor's office, Stratford, the appointment of persons to attend to the polling places and at the final summing up of the votes by the clerk, respectively on behalf of the persons interested in and promoting or opposing the passage of this by-law will be made.

6. The clerk of the said municipality shall sum up the number of votes given for and against this by-law on Wednesday, the 4th day of January, A.D. 1899, at the clerk's office Stratford.

7. The votes of the ratepayers entitled to vote on this by-law shall be taken thereon at the places hereinafter mentioned and the said votes shall be so taken on the 2nd day of January, A.D. 1899, the polls to be open at the hour of nine o'clock in the forenoon and closed at the hour of five o'clock in the afternoon, and the persons also hereinafter named shall be the returning officers to take votes at the said polls.

For the 1st sub-division of Avon Ward, at Wilkinson's Soda Water Works, Huron street, Arthur Bushfield, Returning Officer.

For the 2nd sub-division of Avon Ward, at the Avon Ward public school house, Caledonia street, W. S. Cowan, Returning Officer.

For the 1st sub-division of Falstaff Ward, at Lamb & Bates pump shop, Ontario street, Peter R. Jarvis, Returning Officer.

For the 2nd sub-division of Falstaff Ward, at the Falstaff Ward public school house, William street, Walter Miller, Returning Officer.

For the 1st sub-division of Hamlet Ward, at the central school house, St. Andrew street, D. R. McPherson, Returning Officer.

For the 2nd sub-division of Hamlet Ward, at the Hamlet Ward public school house, Galt street, Walter McMillan, Returning Officer.

For the 1st sub-division of Romeo Ward, at Hagarty's store, Brunswick street, John R. Stewart, Returning Officer.

For the 2nd sub-division of Romeo Ward, at Romeo Ward public school house, Grange street, J. R. Boothby, Returning Officer.

For the 3rd sub-division of Romeo Ward, at Pratt's store, Ontario street, James Dunsmore, Returning Officer.

For the 4th sub-division of Romeo Ward, at Bolger's store, Shakespeare street, W. S. Bolger, Returning Officer.

For the 5th sub-division of Romeo Ward, at Mrs. Lamb's house, Frederick street, John B. Captain, Returning Officer.

For the 6th sub-division of Romeo Ward, at David Morrison's house, Nile street, Henry Brewer, Returning Officer.

For the 1st sub-division of Shakespeare Ward, at Room No. 7 in the Worth block, Wellington street, William Lawrence, Returning Officer.

For the 2nd sub-division of Shakespeare Ward, at Durst's cooper shop, Wellington street, John O'Donoghue, Jr., Returning Officer.

For the 3rd sub-division of Shakespeare, at Mrs. Behrenwald's house, Mackenzie street, Thomas Henderson, Returning Officer.

For the 4th sub-division of Shakespeare Ward, at the Shakespeare Ward public school house, Strachan street, Samuel Robb, Returning Officer.

For the 5th sub-division of Shakespeare Ward, at W. J. Pepper's store, Nelson street, John Watson, Returning Officer.

This by-law passed in open council this sixteenth day of January, in the year of our Lord one thousand eight hundred and ninety-nine.

R. R. LANG,
City Clerk.

JAMES HODD,
Mayor.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to confirm By-law No. 779 of the
City of Stratford.

First Reading,	1899.
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(Private Bill).

MR. BROWN.

TORONTO;
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 32.]

BILL.

[1899.]

An Act to Confirm By-law No. 779 of the City of Stratford.

WHEREAS the Municipal Council of the City of Stratford Preamble
and John Whyte the younger, and Robert P. Whyte heretofore carrying on business as and under the style of The Whyte Packing Company, have by their petition represented that on the 31st day of January, 1899, they entered into the agreement set forth in Schedule A hereto first having passed the By-law set forth in Schedule B, hereto being By-law No. 779, of the said municipality of Stratford which was submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Municipal Act*, and the said by-law was approved by a very large majority of the ratepayers; and whereas various special petitions have been presented signed by qualified ratepayers who had not voted on the said by-law and asking for the confirmation of the said by-law and agreement, and it has been made to appear that more than two-thirds of the ratepayers qualified to vote on money by-laws have approved of the said by-law and agreement; and whereas there exist between the said by-law and the said agreement some discrepancies as to the style of the firm name and the name of the company to be incorporated as therein provided for, and as to the terms and conditions upon which the said agreement should be entered into from what it should contain; and whereas the said by-law having been published before the said agreement was fully considered by the council of the said city corporation thereby rendering it inexpedient by reason of the loss of time that would have been required to

do so to make the agreement exactly conform to the provisions of the by-law or the by-law to the provisions of the agreement; and whereas the agreement having been fully considered and adopted by a very large committee embracing a majority of the council, and printed and published as the same now is, not only in the press of the said city but by a very large number of copies intended to be distributed amongst the ratepayers of the said city and actually distributed amongst them, so that they might fully understand the nature of the said agreement, before voting upon the said by-law: and whereas the said council and the said John Whyte the younger and Robert P. Whyte by their petition have prayed that the said agreement may be confirmed and declared legal and valid, and the said by-law also confirmed and declared *legal* and valid, with the provision however that in so far as and in what parts soever there may be any conflict between the by-law and the agreement to be provided that the provisions of the agreement shall govern and that whilst rendering said agreement and by-law valid the municipal council of the said City of Stratford, and the said John Whyte the younger and Robert P. Whyte, or the corporate company contemplated to be formed, may be enabled to make and execute such further provisions as may be necessary between the said parties as to effectually carry out the the said agreement in Schedule A, in the true spirit and intent thereof; ^{and} and whereas the said by-law comes within the provisions of the repealed clauses of *The Municipal Amendment Act of 1888*, relating to the granting of aid to industrial enterprises: and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement confirmed.

1. The agreement set out in Schedule A. to this Act is hereby confirmed and declared legal and valid for all purposes and it shall be lawful for the corporation of the City of Stratford and the said John Whyte the younger and Robert P. Whyte or the said corporate company to do any and all acts necessary to carry out and give full effect to the said agreement in all respects and according to the true spirit, intent and meaning thereof.

By-law 779 confirmed.

2. The said by-law No. 779 of the corporation of the City of Stratford as set forth in Schedule B. to this Act, is hereby confirmed and declared to be valid and binding from the time of the passing thereof, to all intents and purposes, save and except wherein the same may conflict with the provisions of the said agreement, and in such points of conflict the said agreement in Schedule A. shall govern.

3 Notwithstanding anything in the said agreement or in the said by-law contained it shall be competent for the said corporation of the City of Stratford, in the event of the said project referred to in the said by-law and agreement falling through from any cause whatsoever to repeal the said by-law. Authority to
repeal by-law.

SCHEDULE A.

(Section 1.)

THIS AGREEMENT (in duplicate) this *11st* day of *January*, in the year of Our Lord, one thousand eight hundred and ninety *nine*, between John Whyte, the younger, and Robert P. Whyte, both of the town of Mitchell in the County of Perth, Pork Packers, hereinafter called the parties of the first part, and the Corporation of the City of Stratford, hereinafter called the parties of the second part :

Whereas, the parties of the first part have heretofore been carrying on business in the town of Mitchell under the name, style and firm of The Whyte Packing Company, and they intend to become, along with such others as may take stock in the proposed company, an incorporated company, under the name of the Whyte Packing Company of Stratford, Limited, and it is intended that the said company when incorporated either under the Ontario Companies Act, or The Companies Act or both with a view to carrying on the business of pork packing in the said city of Stratford, such company to have at least a capital stock of one hundred and fifty thousand dollars, and subscribed capital stock of one hundred thousand dollars whereof, before these presents have become operative and entitle the parties of the first part or the said company to the guarantee and privileges hereinafter referred to, sixty-five thousand dollars shall have been paid up.

And whereas, the parties of the first part intend that they or the said company so incorporated shall acquire land in the City of Stratford whereon to build, and that they shall build thereon the following buildings, that is to say :

1. A main building to be one hundred and twelve feet by ninety-six feet ; three stories high, and also a basement story the whole size ; the basement to be of substantial stone foundation and the three stories above that to be of brick, the first and second stories being two brick thick and the third story a brick and one-half thick.

2. A killing house at least fifty feet by fifty feet, two stories high of substantial brick, well built on substantial stone foundation.

3. An engine room of at least fifty feet by thirty-six feet and two stories high, built substantially of brick upon substantial stone foundation.

And whereas, the estimated cost of the said buildings shall be from twenty thousand to twenty-five thousand dollars and therein and in connection therewith is to be placed machinery and plant, consisting of engines, boilers, freezers and scraping machines, and all other appliances incidental to and needful to be used in a well appointed and complete packing house, being estimated to cost about twenty-five thousand dollars in addition to the said buildings ; the whole, buildings plant and machinery, appliances, land and property in connection therewith to cost in all at least, and be worth at least forty-five thousand dollars, and for the ex-

penditure thereof, making the said sum of forty-five thousand dollars, the parties of the first part or their said company are to produce the vouchers and evidence to show to the satisfaction of the engineer for the city and the solicitor for the said city, who are to report thereon to the council of the said city and their report to be binding and final.

And whereas, upon it being reported by the said engineer and solicitor aforesaid that there has been expended by the said parties of the first part, or the said company the said sum of forty-five thousand dollars and a mortgage, lien, or other form of security approved of by the said city solicitor forming the first charge upon the said land has been created for the purpose of borrowing upon the security of the whole of the said property both real and personal, the sum of thirty thousand dollars, then the said parties of the second part shall and will guarantee the payment of the said sum and interest at such rate as may be agreed upon.

And whereas, it has been agreed that the said loan shall be re-paid in annual instalments of not less than fifteen hundred dollars in each year with interest in the meantime upon the unpaid principal, and that the property covered by said mortgage, lien or other form of security shall be insured to at least the sum of twenty-five thousand dollars in a company or companies to be approved of by the parties of the second part; it being understood, however, that upon the reduction by the said payments on account of the said loan below the said sum of twenty-five thousand dollars, that the said insurance may be proportionately reduced, but in any case the policies shall be either assigned to the said parties of the second part or to the parties advancing the money or some one in trust for one or other or both.

And whereas, doubts may exist as to the parts of the said plant or machinery being within the class which might otherwise be known as personal property, and it is the intention and is hereby declared the intention of the parties of the first part, and will hereafter be declared by the said company to be the intention of them (the said company) that any such property shall become part of the real estate and be real estate, and that the said mortgage, lien or other form of security having been charged thereon shall be valid and binding upon all the said property whether it might otherwise have been classed as personal property or not, and the said mortgage, lien or other form of security be an effective charge thereupon without annual renewal within the meaning of the Act known as *The Bills of Sale and Chattel Mortgage Act*.

And whereas, in the event of default being made in the annual payment of the said instalments or interest, it is to be distinctly understood that the allowing of the said default to continue for more than one year without steps being taken and prosecuted to enforce the said mortgage, lien or other form of security, by the holders thereof against the property, will forfeit as to such instalments and interest in arrear the guarantee of the said city.

And whereas, the parties of the first part of the said company are to be given exemption from taxation for their land and premises, whereon are erected the said buildings, plant and machinery, and the said buildings, plant and machinery if there will have been employed continuously for a period of at least ten months in the year at least fifty men residing in the City of Stratford, in the carrying on of the said business, and that said exemption from taxation shall (if and so long as from year to year at least said number of men resident in said City of Stratford are continuously employed for at least said period of ten months in each year), continue for the period of twenty years from the first day of January next preceeding the giving of the said guarantee.

And whereas, the said company may for valid business reasons find it inconvenient to continue in any one year for ten months the employment of so large a number of men, and may find it prudent to depart from that standard in any one year, and it is understood that such departure for such valid business reasons shall not be construed as a for-

feiture of the said provisions, if during a period of three years including the first year in which such departure or default takes place as the first of said three years, there shall have been employed within and during the said period of three years either a sufficient number of men by increasing the number beyond fifty or by continuing the business with at least fifty in any one or more years of the said three years, so as to result in making a disbursement for wages during the said whole period of three years taken as a whole, a sum equal to what would have been disbursed for wages to fifty men employed for ten months in each year continuously over the said period and so on from time to time in successive periods of the like space of three years during said twenty years.

And whereas, in the event of the average number of men so employed for any such three years falling below the said standard of fifty men continuously for at least ten months in each year for the said period of three years, it is intended that said exemptions from taxation shall thereafter cease in and upon the said assessable value of the said property in the like proportion in which the said falling off in the average of the said fifty men per year bears to said whole number and the property aforesaid thenceforward shall be liable to taxation in that proportion and shall from time to time after each successive period of three years in which there has been any further reduction of the said average number of men be further proportionately liable to taxation.

And whereas, it is not intended by the said concession that there shall be withdrawn from the present assessable real estate of the city a greater quantity of land than to the amount of two thousand dollars' worth according to the assessed or assessable value thereof.

And whereas, the parties of the second part have agreed in order to facilitate the said pork packing establishment in securing drainage that they will within six months from the date hereof construct the remaining part of the trunk sewer which now ends on Gore street to its final termination at the culvert on Erie street as heretofore projected, and will give to the Stratford Water Supply Company the necessary instructions to entitle them to extend their main from Erie street or elsewhere towards the point where the said buildings for the packing business may be carried on for at least such a distance as will entitle the said Water Supply Company to be paid for, if necessary, two more hydrants, and in the event of the parties of the second part acquiring the works of the said Water Supply Company, the parties of the second part will build or construct at least a like distance of one thousand feet which will be required to entitle the Water Supply Company under the present contract with the parties of the second part, to be paid for an extra hydrant.

Now therefore this agreement witnesseth, that the parties hereto hereby covenant and agree to and with each other as follows :

1. The parties of the first part agree to form and become along with such others as may take stock in the said proposed company, an incorporated company under the name of The Whyte Packing Company of Stratford, Limited, to be incorporated either under *The Ontario Companies Act*, or *The Companies Act* and amendments thereto, or both, with a view to carrying on and for carrying on the business of pork packing in the city of Stratford, the said company to have at least a capital stock of one hundred and fifty thousand dollars, and a subscribed capital stock of one hundred thousand dollars, whereof sixty-five thousand dollars shall have been paid up capital before they the parties of the first part shall be entitled to claim from the parties of the second part the execution of the guarantee and grant of the privileges hereinbefore recited.

2. The said parties of the first part shall and will procure the said Company when so incorporated to execute an agreement with the city, binding the said corporate company to keep and observe all the provisions herein contained, and put forth as intended to be binding upon the said parties of the first part and the said corporate company or the said corporate company.

3. The said parties of the first part covenant with the parties of the second part that the said corporate company shall and will acquire land in the city of Stratford whereon to build and that they shall build thereon the following buildings, that is to say :

(a) A main building to be one hundred and twelve feet by ninety-six feet, three stories high, and also a basement story the whole size ; the basement to be of substantial stone foundation and the three stories above that to be of brick, the first and second stories being two bricks thick, and the third story a brick and a half thick.

(b) A killing house of at least fifty feet by fifty feet, two stories high of substantial brick, well built on substantial stone foundation.

(c) An engine room of at least fifty feet by thirty-six feet and two stories high, built substantially of brick upon substantial stone foundation. And shall place therein and in connection therewith machinery and plant, consisting of engines, boilers, freezers and scraping machines, and all other appliances incidental to and needful to be used in a well appointed and complete packing house, and that the whole building, plant and machinery, appliances and land and property in connection therewith shall cost in all at least and be worth at least forty-five thousand dollars.

4. The said parties of the first part or the said company in their lieu and stead will proceed immediately after the erection of the said buildings, and placing therein the plant and machinery aforesaid, and show to the satisfaction of the engineer of the city and the solicitor for the said city, vouchers and evidence to satisfy them that the said sum of forty-five thousand dollars or such other sum as may be the correct sum, has been expended in the building of the said buildings and placing therein of plant and machinery, and the acquiring of the said land and other connections in the way of tracks or constructions to make the said property work efficiently.

5. The parties of the first part shall and will, or the said company for them and in their stead shall and will have the said buildings erected and completed within one year from the date hereof and be ready then to operate the same, and shall thenceforward after the completion thereof employ and continue to employ for at least ten months in the year for each and every year for the period of twenty years following fifty men residing in the said city of Stratford

6. The parties of the first part covenant that in each year during the said twenty years, in the first week in January in each year, the president and secretary of the said company shall furnish to the parties of the second part, by delivering to their clerk, or such officer as they may appoint for the purpose of receiving the same, a declaration duly made under *The Canada Evidence Act 1893*, showing the name and place of abode in said city of each man employed in carrying on of the said business and the time for which such man had served during the preceding year in the carrying on of the said business, and upon the request of the council of the parties of the second part, the said company shall and will at any time after the furnishing of the said declaration or in default of the same having been furnished, shall and will at any time upon request exhibit to the parties of the second part or such person or officer as they may appoint for the purpose of inspecting the same, all the books of the said company containing any entry in relation to the payment of wages or the hiring of men for the years preceding that in which the demand shall be made.

7. In the event of the said company finding it inconvenient for valid business reasons to continue in any one year for ten months the employment of so large a number of men as hereinbefore provided and prudent to depart from that standard in any one year, it is understood and agreed that such departure for such valid business reasons shall not be construed as a breach of the said covenant in paragraph 5 hereof, if during a period of three years including the first year of default as first of said three years there shall have been employed within and during the said period

of three years either a sufficient number of men by increasing the number beyond fifty or by continuing the business with at least fifty men long enough in any and all of the said three years so as to result in making a disbursement for wages during said whole period of three years taken as a whole, a sum equal to what would have been disbursed for wages for fifty men employed for ten months in each year continually over the said period and so on from time to time in successive periods of the like space of three years during the said twenty years or the then remainder thereof, always counting the first defaulting year of the series as first thereof.

8. Upon the completion of the said work and report of the said engineer and solicitor to the council, showing the amount expended in connection with the building of the said buildings and placing therein of the plant and machinery and acquiring of the said land and other connections in the way of tracks or erections to make the said property work efficiently, the said company shall place before the council of the said parties of the second part the mortgage, lien or other form of security showing how they propose to secure the proposed loan of thirty thousand dollars to be secured and the rate of interest to be payable thereupon, which it is understood shall be a reasonable rate of interest to be approved of by the parties of the second part.

9. In the event of there being any difference between the said sum of forty-five thousand dollars and the actual cost for purposes aforesaid according to the said report of engineer and solicitor, the council may, if such report show a less expenditure than forty-five thousand dollars, make allowance and arrangement therefor on the basis of the like proportion of the amount to be guaranteed by the parties of the second part as exists between the said proposed loan of thirty thousand dollars and forty-five thousand dollars of expenditure.

10. The parties of the second part shall and will thereupon at the request of the said parties of the first part, or the said corporate company, execute such a good and sufficient guarantee as will bind the parties of the second part to secure to the lender or lenders of the said proposed loan or any part thereof payment thereof at the rate of fifteen hundred dollars a year of principal with interest at the rate to be agreed upon by the parties hereto of the second part and the said company upon the unpaid principal and upon the understanding and agreement that the said mortgage, lien or other form of security, shall be a first charge upon all the said property including the land and premises acquired for the purposes of the said property and rights of way and track therein and thereto, the buildings erected thereon, plant and machinery placed therein, and all other constructions and erections made in or to make the said property work efficiently, the same having been declared by the said company to be and form part of the real estate in question, whether it might otherwise have been so held at common law or not.

11. To effectually carry out the purpose of these presents and they shall be only operative upon that being done, it is expected that the Legislature will by an Act to be passed declare all the said property real estate and not require an annual renewal of chattel mortgage upon that part that might otherwise be looked upon as personal property.

12. The parties of the second part agree that the said company are to be given exemption from taxation for the said land and premises whereon are to be erected the said buildings, plant and machinery, and the said buildings, plant and machinery if and so long as they will have employed continuously for a period of at least ten months in the year at least fifty men residing in the City of Stratford in the carrying on of the said business to be continued for the period of twenty years from the first day of January next preceding the giving of the said guarantee. Provided always that if the land acquired as above exceeds two thousand dollars of assessable or assessed value, then such excess shall not be exempt.

13. It is further agreed that if as hereinbefore provided for valid business reasons it is found inconvenient to continue in any one year for ten

months, the employment of so large a number of men and prudent to depart from that standard in any one year, that such departure shall not be construed as a forfeiture of said provision for exemption if during a period of three years, including the first year of said three years, there shall have been employed within and during the said period of three years, either a sufficient number of men by increasing the number beyond fifty or by continuing the business with at least fifty long enough in any or all of said years of the said three years, so as to result in making a disbursement for wages during said whole period of three years, taken as a whole, a sum equal to what would have been disbursed for wages to fifty men employed for ten months in each year continuously over the said period and so on from time to time in successive periods of the like space of three years during the said twenty years or the remainder thereof; it being understood that in each case the first year in which a departure shall have taken place shall for the purpose of the commutation of three years, be the first of the said period of three years.

14. In the event of the average number of men so employed for any such three years falling below the said standard of fifty men continuously for at least ten months in each year for the said period of three years, the said exemption from taxation shall forthwith cease in and upon the said assessable value of the said property in like proportion in which the said falling off in the average of the said fifty men per year bears to the whole number and the property aforesaid thence forward shall be liable to taxation in that proportion, and shall from time to time after each successive period of three years in which there has been any further reduction of the said average number of men be further proportionately liable to taxation.

15. And the parties of the second part covenant to and with the parties of the first part, that they, the parties of the second part, shall and will continue the trunk sewer at present in course of construction from the point on Gore street, where constructed, to the termination thereon as originally projected at the culvert on Erie street; and will in any event give to the Stratford Water Supply Company the necessary instructions to entitle the Stratford Water Supply Company to extend their main from Erie street or elsewhere towards the point where the said buildings for the said pork packing business are to be erected for at least such a distance as will entitle the said Stratford Water Supply Company, under their existing agreement with the city, to charge for at least, if necessary, two extra hydrant services per annum, and will in the event of the parties of the second part acquiring the said works extend the water main from Erie street or elsewhere over the like distance at the expense of the said parties of the second part.

16. The parties of the second part shall and will repeal their present by-law, or so amend same as to make an exception in favor of the said company as to the provisions prohibiting carrying on of slaughter houses within the city limits upon getting necessary legislative authority therefor.

17. The said guarantee shall provide that the allowing of any default in payment of the annual instalment of interest to continue for more than one year without steps being taken and prosecuted to enforce the said mortgage, lien or other form of security, by the holders thereof against the property will forfeit the guarantee of the said city; the same remaining good, however, against default as to future instalments until they shall have been allowed to remain in default for one year without steps being taken and prosecuted to enforce as aforesaid, and so from time to time.

18. It is understood and agreed that an application shall be made jointly by the parties hereto for an Act of the Legislature of the Province of Ontario to be passed at the next session ensuing the execution hereof, rendering binding and valid this agreement and the by-law for granting said privileges now being published, and enabling the parties hereto and the said company to so deal with both the said by-law and agreement as to render them consistent in any particular wherein they may be now in-

consistent, and to enable the municipality to make and execute such future provisions as may be necessary between the parties of the second part and the said corporate company to effectually carry out these presents, in the true spirit and intent thereof.

SCHEDULE B.

(Section 2.)

BY-LAW NO. 779 OF THE CITY OF STRATFORD.

To authorize the said city to guarantee the payment of \$30,000 to be borrowed by the firm of Messrs. John Whyte & Sons upon a packing factory to be erected.

Whereas the firm of John Whyte & Sons, of the Town of Mitchell, also carrying on business in the said City of Stratford, have recently determined, upon the conditions of this by-law being passed, to erect in the said City of Stratford a pork packing establishment to cost not less than the sum of fifty thousand dollars.

And whereas it has been agreed, in the event of their doing so, or their being able to form a joint stock company with a capital of not less than \$100,000, and inducing the said company to do so, that the said city shall and will guarantee the payment of a loan of \$30,000, to be obtained by the said firm or by the said company upon the security of the said pork packing establishment and all machinery and plant therein used therewith to be repaid in sums of \$1,500 a year, with interest, as may be agreed upon between the said company or firm and the lender of the money.

And whereas it is the intention, in the event of this by-law being adopted by a majority of the ratepayers of the said city entitled to vote upon a money by-law, to apply to the Legislature of the Province of Ontario for an Act confirming the said by-law and authorizing the said guarantee, and the said agreement.

And whereas the amount of the whole rateable property of the said municipality being for the year 1897, the sum of \$3,965,140.00.

And whereas the amount of the existing debt of the said municipality is the sum of \$741,840, of which the sum of \$407,000 is principal and the sum of \$334,840 is interest, and of the said principal and interest nothing is in arrear.

Be it therefore enacted by the corporation of the City of Stratford, as follows :

1. That it shall and may be lawful for the Mayor of the said City of Stratford and the council of the said City of Stratford to enter into an agreement with the said firm of John Whyte & Sons, or with the company now being promoted by them and incorporated under *The Ontario Companies Act*, for the purpose of carrying on the business of *Pork Packing*, to guarantee the repayment by the said John Whyte & Sons, or by the said corporate company of the sum of \$30,000, to be borrowed by them on a mortgage to be given upon the building and plant to be hereafter erected for the purpose of carrying on the said business in the said City of Stratford, upon such terms that the said mortgage shall be extended for twenty years and be reduced by payments of one thousand five hundred dollars and interest in each year during the said twenty years.

2. That it shall and may be lawful for the mayor and council of the said city to make such conditions and stipulations in connection with the carrying on of the said business before executing any such guarantee as to the said mayor and council for the time being may seem fit, in connection with the establishment and carrying on of the said works and the repayment of the said loan.

3. That in any event the said power shall not be exercised upon any agreement having any stipulation providing for the employment of less than at least fifty men for each year continuously during each year unless at the option of the said mayor and council it may be thought desirable to dispense with such employment for a period not exceeding two months in any one year.

4. This by-law shall take effect and come into force on the 17th day of January, 1899.

5. On the 28th of December, A.D. 1898, at the hour of ten o'clock in the forenoon at the Mayor's office, Stratford, the appointment of persons to attend to the polling places and at the final summing up of the votes by the clerk, respectively on behalf of the persons interested in and promoting or opposing the passage of this by-law will be made.

6. The clerk of the said municipality shall sum up the number of votes given for and against this by-law on Wednesday, the 4th day of January, A.D. 1899, at the clerk's office Stratford.

7. The votes of the ratepayers entitled to vote on this by-law shall be taken thereon at the places hereinafter mentioned and the said votes shall be so taken on the 2nd day of January, A.D. 1899, the polls to be open at the hour of nine o'clock in the forenoon and closed at the hour of five o'clock in the afternoon, and the persons also hereinafter named shall be the returning officers to take votes at the said polls.

For the 1st sub-division of Avon Ward, at Wilkinson's Soda Water Works, Huron street, Arthur Bushfield, Returning Officer.

For the 2nd sub-division of Avon Ward, at the Avon Ward public school house, Caledonia street, W. S. Cowan, Returning Officer.

For the 1st sub-division of Falstaff Ward, at Lamb & Bates pump shop, Ontario street, Peter R. Jarvis, Returning Officer.

For the 2nd sub-division of Falstaff Ward, at the Falstaff Ward public school house, William street, Walter Miller, Returning Officer.

For the 1st sub-division of Hamlet Ward, at the central school house, St. Andrew street, D. R. McPherson, Returning Officer.

For the 2nd sub-division of Hamlet Ward, at the Hamlet Ward public school house, Galt street, Walter McMillan, Returning Officer.

For the 1st sub-division of Romeo Ward, at Hagarty's store, Brunswick street, John R. Stewart, Returning Officer.

For the 2nd sub-division of Romeo Ward, at Romeo Ward public school house, Grange street, J. R. Boothby, Returning Officer.

For the 3rd sub-division of Romeo Ward, at Pratt's store, Ontario street, James Dunsmore, Returning Officer.

For the 4th sub-division of Romeo Ward, at Bolger's store, Shakespeare street, W. S. Bolger, Returning Officer.

For the 5th sub-division of Romeo Ward, at Mrs. Lamb's house, Frederick street, John B. Captain, Returning Officer.

For the 6th sub-division of Romeo Ward, at David Morrison's house, Nile street, Henry Brewer, Returning Officer.

For the 1st sub-division of Sheakespeare Ward, at Room No. 7 in the Worth block, Wellington street, William Lawrence, Returning Officer.

For the 2nd sub-division of Shakespeare Ward, at Durst's cooper shop, Wellington street, John O'Donoghue, Jr., Returning Officer.

For the 3rd sub-division of Shakespeare, at Mrs. Behrenwald's house, Mackenzie street, Thomas Henderson, Returning Officer.

For the 4th sub-division of Shakespeare Ward, at the Shakespeare Ward public school house, Strachan street, Samuel Robb, Returning Officer.

For the 5th sub-division of Shakespeare Ward, at W. J. Pepper's store, Nelson street, John Watson, Returning Officer.

This by-law passed in open council this sixteenth day of January, in the year of our Lord one thousand eight hundred and ninety-nine.

R. R. LANG,
City Clerk.

JAMES HODD,
Mayor.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to confirm By-law No. 779 of the
City of Stratford.

First Reading,	15th February, 1899.
Second Reading,	22nd March, 1899.

*(Reprinted as amended by Private Bills
Committee).*

MR. BROWN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 33.]

BILL.

[1899.

An Act respecting the Town of Seaforth.

WHEREAS the corporation of the Town of Seaforth has by Preamble.
its petition prayed for leave to aid W. D. VanEgmond,
woollen manufacturer, in the extension of his business in the
Town of Seaforth, and whereas it is expedient to grant the
5 prayer of the said petition ;

Therefore Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. It shall be lawful for the said the corporation of the Town Power to raise
10 of Seaforth to pass a by-law for the purpose of raising by way of \$10,000 on
loan on the credit of the debentures of the said corporation a debentures to
sum not exceeding in the whole \$10,000, at a rate of interest aid W. D.
not exceeding five per cent per annum, from any person or VanEgmond.
persons, body or bodies corporate who may be willing to
15 advance the same for the purpose of aiding W. D. VanEgmond,
woollen manufacturer, in the extension of his business in the
Town of Seaforth, which said aid may be granted and applied
by way of loan, upon such terms and conditions as may seem
advisable to the municipal council of the said corporation.

By-law to be
subject to pro-
visions of R.
S. O. cap. 223.

2. The said by-law shall, before being finally passed, be submitted to the votes of the electors entitled to vote upon by-laws creating debts not payable within one year from the creation thereof, and shall be approved by a majority voting thereon, and the provisions as to procedure and otherwise contained in *The Municipal Act* and the amendments thereto respecting by laws creating debts shall apply to such by-law to be passed under the authority of this Act as if expressly incorporated therein. 5

BILL.

An Act respecting the Town of Seaforth.

First Reading,	1899.
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(Private Bill.)

MR. GARROW.

TORONTO :
PRINTED BY L. R. CAMERON,
Printer to the Queen's Most Excellent Majesty

No. 34.]

BILL.

[1899.]

An Act Respecting the City of London.

WHEREAS the corporation of the city of London and the corporation of the county of Middlesex have by their petitions prayed for special legislation in respect of the several matters hereinafter set forth relating to the London General Hospital, and the corporation of the city of London have by their petition also prayed for special legislation in respect of the other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The agreement bearing date the tenth day of December, A.D., 1898, made between the corporation of the city of London, of the first part, and the corporation of the county of Middlesex, of the second part, a true copy of which appears in schedule "A" to this Act, be and the same is hereby confirmed, and declared to be legal, valid and binding

2. In case the powers conferred by the Act of the Legislature of the province of Ontario, passed in the 50th year of Her Majesty's reign numbered 58 and intituled *An Act respecting the General Hospital of the City of London*, shall cease and the same shall revert to the municipal council of the corporation of the city of London as provided by section 10 of the said Act, the municipal council of the corporation of the city of

Preamble.

Agreement confirmed.

Provision for county representation.

London shall have power to provide, and they shall provide, during the continuance of the agreement referred to in section one hereof, for representation for the municipal council of the corporation of the county of Middlesex on the committee of the council of the corporation of the city of London which shall have charge of the management of the said hospital (which shall hereafter be known as "Victoria Hospital") in proportion to the present representation of the said corporation of the county of Middlesex on the board of trustees as constituted by the said Act intituled *an Act Respecting the General Hospital of the City of London*.

Proportion of city and county representation to remain unchanged.

3. During the continuance of the said agreement referred to in the first section hereof, and set out in schedule "A" to this Act, no amendment of the said Act intituled *An Act respecting the General Hospital of the City of London* shall be made which shall increase or reduce the number of the board of hospital trustees of the city of London without providing that the corporation of the county of Middlesex shall have representation on the said board of hospital trustees in proportion to their representation on the said board, as constituted by the said last mentioned Act, but nothing in this section contained is intended to, or shall prevent the said last mentioned Act from being amended in such other respects as the corporation of the city of London may from time to time desire.

Agreement may be renewed.

4. The corporation of the city of London and the corporation of the county of Middlesex may renew the said agreement referred to in the first section hereof, and set forth in schedule "A" to this Act, from time to time upon such terms and conditions as the said parties may from time to time mutually agree upon.

50 V. c 58 repealed.

5. That section 8 of the said Act intituled *An Act respecting the General Hospital of the City of London* be and the same is hereby repealed and the following section substituted therefor:—

(8) One of the two members of the board to be elected by the municipal electors of the city of London may be a medical man in actual practice, but save as aforesaid no member of the board shall be a medical man in actual practice, or, with the exception of the mayor, a member of the city council or an officer or servant in the employment of the said council.

Personnel of board of police commissioners

6. That the board of commissioners of police of the said city of London shall consist of the mayor of the said city, the judge of the county court of the county of Middlesex, the police magistrate of the city of London and two aldermen of the city of London, who shall be appointed annually by by-law of the corporation of the city of London, to be passed at the first meeting of the said council in each year, instead of being com-

posed as provided by section 481 of *The Municipal Act*, and such board so constituted as by this section provided shall have all the powers of a board constituted as provided by said section 481 of *The Municipal Act*. R.S.O. c. 223.

SCHEDULE A.

ARTICLES OF AGREEMENT made this tenth day of December, A.D., 1898,
between the corporation of the city of London, of the first part, and
the corporation of the county of Middlesex, of the second part.

Whereas under the provisions of the agreement made between the parties hereto bearing date the thirteenth day of May, A.D., 1874, the trustees of the London Savings Bank transferred to the parties to the said agreement and the board of trade of the city of London the debentures therein referred to, upon the trusts therein mentioned.

And whereas the securities now held by the said parties, and the said the board of trade of the city of London upon the trusts therein mentioned, consist of nine debentures of the city of St. Thomas, amounting to nine thousand dollars; one debenture of the city of St. Thomas, amounting to one hundred dollars, and one debenture of the county of Middlesex, amounting to six thousand five hundred dollars.

And whereas an agreement has been made between the parties hereto as to the application of the income of the said trust funds as hereinafter provided for, and the parties hereto have agreed as to the contribution to be made by the parties of the second part towards the additions and improvements to the London General Hospital, now known as Victoria Hospital, and as to the maintenance of the patients of the parties of the second part, and as to the payment therefor, as hereinafter set forth.

Now it is agreed by and between the parties hereto as follows:—

1. The parties hereto, and their successors in office and the board of trade of the city of London, and their successors in office, the trustees of the said funds shall pay to the parties of the first part annually its one-half share of the annual profits of the said trust funds, to be applied by the parties of the first part towards the care and maintenance of the city patients in the said hospital.

2. That out of the share of the parties of the second part, or one-half of the profits of the said trust funds, the said trustees shall pay the parties of the first part, at such average rate per day, for every patient the parties of the second part may send to the Victoria Hospital during the year, such rate to be ascertained as follows:—To the gross cost of the maintenance, attendance upon, and medical and other care of all the patients during the year, add for rent of hospital six per cent. on eight thousand dollars, add such sum as may have been necessarily expended during the year for repairs and insurance; take the number of patients for the year and ascertain the average cost per day for each patient, on the above basis. If the share of the parties of the second part in the profits of the said trust funds for any year shall exceed the charge made upon it as aforesaid the excess shall be retained by the said trustees and applied in like manner in the following year or years. The agreement contained in this clause to remain in force and the charge for rental not to be increased for all time to come and the right of the county to send patients to the extent of the fund aforesaid shall not be interfered with.

3. If the parties of the second part shall in any year send a greater number of patients than shall be sufficient to exhaust its share of the profits aforesaid the parties of the second part shall, at the end of the

year, pay to the parties of the first part for the number of patients exceeding the number provided for by the next preceding clause of this agreement the sum of seventy-five cents per day per patient.

4. Subject always to the conditions and provisions of clause fifteen hereof, this agreement shall be substituted for the said agreement bearing date the 13th day of May, 1874, and anything provided for by said agreement not herein provided for is hereby declared to be null and void.

5. The parties of the second part shall when the necessary legislation confirming this agreement is obtained and when the certificate as hereinafter set forth is obtained, advance to the parties of the first part in aid of the said Victoria Hospital building the sum of fifteen thousand dollars, and such sum shall bear interest at the rate of three and one-half per cent. per annum, and such interest shall be by the parties of the first part applied as far as necessary, or to the full extent thereof if necessary, in payment of the balance due in each year by the said parties of the second part for county patients, and should there be in any year a balance due by the parties of the second part after the application of its share of the said trust funds, and of the interest on the said sum of fifteen thousand dollars as aforesaid, the balance shall be paid by the parties of the second part to the parties of the first part at the end of the year in cash.

6. The parties of the second part shall not be bound to pay over to the parties of the first part the said sum of fifteen thousand dollars until a certificate has been signed by the architect of the said Victoria Hospital certifying that the buildings have been completed in accordance with the plans and specifications of the said architect, and in the event of the death of the said architect before the completion of the said buildings the certificate aforesaid may be signed by the successor in office of such architect, appointed by the said party of the first part, and the parties of the second part shall not be compelled to pay over the said sum of fifteen thousand dollars until legislation confirming this agreement has been passed by the Legislature of the Province of Ontario, the costs and expenses of such legislation to be borne equally by the parties hereto.

7. This agreement shall remain in force for five years from the date hereof unless terminated as hereinafter provided subject always however to the conditions and proviso contained in the fifteenth paragraph hereof.

8. If the present Government grant should be at any time during the existence of this agreement wholly or in part withdrawn or reduced, the parties of the first part shall be at liberty to terminate this agreement by giving to the parties of the second part six months' notice in writing of their intention so to do and repaying to the party of the second part the said sum of fifteen thousand dollars with the interest due if any, and at the end of the six months mentioned in said notice this agreement shall be determined in the same manner as if the full term of five years had expired. And thereafter the said parties of the second part shall have no claim upon or interest in the said hospital acquired under this agreement (if any) but this shall not effect the rights of the said parties of the second part under paragraph two of this agreement, or any rights which they have or may otherwise acquire.

9. At the end or sooner determination of this agreement the said parties of the first part agree to re-pay to the said parties of the second part the said sum of fifteen thousand dollars with any accrued interest thereon, if any.

10. It is agreed that this agreement shall be confirmed by legislation as aforesaid, and the parties hereto agree each with the other to join in such petition or application as may be necessary or expedient to make to the Legislature of the Province of Ontario for legislation confirming and ratifying this agreement, and amending the Act of the Legislature of the Province of Ontario, passed in the 50th year of Her Majesty's reign, and intituled "An Act respecting the General Hospital of the city of London," by providing that, in case the powers conferred by the said Act are put

to an end, as provided by section 10 of the said Act, the council of the parties of the first part shall have power to provide and they shall provide representation for the parties of the second part on the committee of the council of the parties of the first part, which shall have charge of the management of the said hospital in proportion to their present representation on the board of trustees. It being understood and agreed that no amendment of the said Act shall be made which shall increase or reduce the number of the board of hospital trustees of the city of London during the continuance of this agreement without providing that the parties of the second part shall have representation on the said board in proportion to its present representation, but this shall not prevent the said Act from being amended in such other respects as the said parties of the first part may desire.

11. It is agreed that this agreement may be renewed by the parties hereto from time to time for such time or times and upon such terms and conditions as the parties hereto may from time to time agree upon without further legislative confirmation

12. The terms of this agreement shall continue in force after the expiration of the said term of five years unless and until either of the parties hereto terminates the same, as either party shall be at liberty to do at any time after the expiration of the term of five years, by giving to the other party six months' notice in writing of its intention so to do.

13. Should the party of the first part give such notice, and if the repayment of the said fifteen thousand dollars (with accrued interest) (if any) be not made on or before the termination of the six months' notice, the agreement shall remain in force until such repayment is made, and should the party of the second part give such notice, the party of the first part shall repay the said sum of fifteen thousand dollars, with accrued interest, if any, at or before the time of the termination of such notice and in default thereof this agreement shall continue in force until the end of the current year in which the time of the said termination of such notice shall occur when the said party of the first part agrees to pay to the said party of the second part the said sum of fifteen thousand dollars, with accrued interest, if any.

14. The party of the first part agrees to receive and admit to the said hospital such patients as may from time to time be sent thereto by the party of the second part, and to give to such patients proper maintenance, medical care and treatment and all other proper care and attendance at least equal to that given to any non-paying patients in the said hospital. The certificate of any one authorized by the municipal council of the county of Middlesex to be sufficient authority to the hospital authorities to receive the said patients.

15. Provided always and it is hereby expressly agreed and declared that, notwithstanding anything hereinbefore contained, if this agreement be not sanctioned by legislation as hereinbefore provided for the rights of the parties hereto whether under the said agreement dated the thirteenth day of May, 1874, or otherwise, howsoever, shall be exactly as they were before this agreement was made.

In witness whereof the parties hereto have caused to be affixed their corporate seals, and the mayor of the said city of London, and the warden of the said county of Middlesex have set their hands the day and year first above written.

Signed, sealed and delivered
In the presence of

C. A. KINGSTON
As to signature of
Jno. D. Wilson,

T. E. ROBSON,
As to signature of
Peter Elson, Warden

JNO. D. WILSON,
Mayor.

PETER ELSON,
Warden.



2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the City of London.

First Reading, , 1899.

(Private Bill.)

Mr. LEYS.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 34.]

BILL.

[1899.

An Act respecting Victoria Hospital of the City of
London.

WHEREAS the corporation of the city of London and the corporation of the county of Middlesex have by their petitions prayed for special legislation in respect of the several matters set forth in Sections 1, 2, 3, 4 and 6 hereof, and the corporation of the city of London has by its petition also prayed for special legislation in respect of the other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petitions;

Preamble.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The agreement bearing date the tenth day of December, A.D., 1898, made between the corporation of the city of London, of the first part, and the corporation of the county of Middlesex, of the second part, a true copy of which appears in schedule "A" to this Act, is hereby confirmed, and declared to be legal, valid and binding.

Agreement confirmed.

2. In case the powers conferred by the Act of the Legislature of the province of Ontario, passed in the 50th year of Her Majesty's reign numbered 58 and intituled *An Act respecting the General Hospital of the City of London*, shall cease and the same shall revert to the municipal council of the corporation of the city of London as provided by section 10 of the said

Provision for county representation.

Act, the municipal council of the corporation of the city of London shall have power to provide, and they shall provide, during the continuance of the agreement referred to in section 1 hereof, ^{and} and of any renewal thereof, ^{for} for representation for the municipal council of the corporation of the county of Middlesex on the committee of the council of the corporation of the city of London which shall have charge of the management of the said hospital (which shall hereafter be known as "Victoria Hospital") in proportion to the present representation of the said corporation of the county of Middlesex on the board of trustees as constituted by the said Act intituled *an Act Respecting the General Hospital of the City of London*.

Proportion of city and county representation to remain unchanged.

3. During the continuance of the said agreement referred to in the first section hereof, and set out in schedule "A" to this Act, and of any renewal thereof, no amendment of the said Act intituled *An Act respecting the General Hospital of the City of London* shall be made which shall increase or reduce the number of the board of hospital trustees of the city of London without providing that the corporation of the county of Middlesex shall have representation on the said board of hospital trustees in proportion to their representation on the said board, as constituted by the said last mentioned Act, but nothing in this section contained is intended to, or shall prevent the said last mentioned Act from being amended in such other respects as the corporation of the city of London may from time to time desire.

Agreement may be renewed.

4. The corporation of the city of London and the corporation of the county of Middlesex may renew the said agreement referred to in the first section hereof, and set forth in schedule "A" to this Act, from time to time upon such terms and conditions as the said parties may from time to time mutually agree upon.

Authority to County of Middlesex to issue debentures.

5. The Council of the Corporation of the County of Middlesex may pay out of any unappropriated funds under their control the said sum of \$15,000 mentioned in the said agreement, set out in Schedule A to this Act, or at their option the said Council may pass a by-law to issue debentures to raise the said sum of \$15,000, and may raise the same by the sale of the said debentures, such debentures to be in sums of not less than \$100 each, and may be made payable in twenty years or less from the date thereof, with interest thereon at a rate not exceeding 4 per cent per annum payable half yearly.

Authority City of London to issue debentures and impose special rate.

6. In the event of the said sum of \$15,000 becoming payable to the Corporation of the County of Middlesex by the Corporation of the City of London, as provided by the said agreement set out in Schedule A to this Act, the Council of the Corporation of the City of London may, without sub-

mitting the same to the ratepayers qualified to vote on money by-laws, pass a by-law to authorize the issue of debentures of the said City of London to the amount of \$15,000 for the purpose aforesaid, and may issue any number of debentures, in sums of not less than \$100 each, which may be payable at any time within twenty-five years from the date thereof with interest at a rate not exceeding 4 per cent. per annum, payable half yearly, and for the purpose of redeeming the said debentures and paying the interest thereon the Council of the Corporation of the City of London may in any by-law to be passed authorizing any such loan, and the issue of debentures therefor, impose a special rate per annum upon all the rateable property in the said municipality over and above, and in addition to, all other rates to be levied in each year, which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity. ¹⁸⁴

¹⁸⁴7. The Council of the Corporation of the City of London may borrow for any period not exceeding twenty-five years such sum not exceeding \$10,000 as to the Council may seem fit for the purpose of completing Victoria Hospital, and may pay and apply the same accordingly, and the by-law authorizing the issue of the said debentures need not be submitted to the ratepayers qualified to vote on money by-laws, and the debentures so to be issued shall be in sums of not less than \$100 each, and shall bear interest at a rate not exceeding 4 per cent. per annum, payable half yearly, and for the purpose of redeeming the said debentures and paying the interest thereon the Council of the Corporation of the City of London may in any by-law to be passed authorizing any such loan, and the issue of debentures therefor, impose a special rate per annum upon all the rateable property in the municipality over and above and in addition to all other rates to be levied in each year which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity. ¹⁸⁴

Authority to
issue other
debentures.

¹⁸⁴8. No irregularity in the form of the debentures issued under the authority of this Act or any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action for the recovery of the amount thereof, or the interest thereon, or any part thereof. ¹⁸⁴

Irregularity
in form not to
invalidate.

SCHEDULE A.

ARTICLES OF AGREEMENT made this tenth day of December, A.D., 1898,
between the corporation of the city of London, of the first part, and
the corporation of the county of Middlesex, of the second part

Whereas under the provisions of the agreement made between the parties hereto bearing date the thirteenth day of May, A.D., 1874, the trustees of the London Savings Bank transferred to the parties to the said agreement and the board of trade of the city of London the debentures therein referred to, upon the trusts therein mentioned.

And whereas the securities now held by the said parties, and the said the board of trade of the city of London upon the trusts therein mentioned, consist of nine debentures of the city of St. Thomas amounting to nine thousand dollars; one debenture of the city of St. Thomas, amounting to one hundred dollars, and one debenture of the county of Middlesex, amounting to six thousand five hundred dollars.

And whereas an agreement has been made between the parties hereto as to the application of the income of the said trust funds as hereinafter provided for, and the parties hereto have agreed as to the contribution to be made by the parties of the second part towards the additions and improvements to the London General Hospital, now known as Victoria Hospital, and as to the maintenance of the patients of the parties of the second part, and as to the payment therefor, as hereinafter set forth.

Now it is agreed by and between the parties hereto as follows:—

1. The parties hereto, and their successors in office and the board of trade of the city of London, and their successors in office, the trustees of the said funds shall pay to the parties of the first part annually its one-half share of the annual profits of the said trust funds, to be applied by the parties of the first part towards the care and maintenance of the city patients in the said hospital.

2. That out of the share of the parties of the second part, or one-half of the profits of the said trust funds, the said trustees shall pay the parties of the first part, at such average rate per day, for every patient the parties of the second part may send to the Victoria Hospital during the year, such rate to be ascertained as follows:—To the gross cost of the maintenance, attendance upon, and medical and other care of all the patients during the year, add for rent of hospital six per cent. on eight thousand dollars, add such sum as may have been necessarily expended during the year for repairs and insurance; take the number of patients for the year and ascertain the average cost per day for each patient, on the above basis. If the share of the parties of the second part in the profits of the said trust funds for any year shall exceed the charge made upon it as aforesaid the excess shall be retained by the said trustees and applied in like manner in the following year or years. The agreement contained in this clause to remain in force and the charge for rental not to be increased for all time to come and the right of the county to send patients to the extent of the fund aforesaid shall not be interfered with.

3. If the parties of the second part shall in any year send a greater number of patients than shall be sufficient to exhaust its share of the profits aforesaid the parties of the second part shall, at the end of the year, pay to the parties of the first part for the number of patients exceeding the number provided for by the next preceding clause of this agreement the sum of seventy-five cents per day per patient.

4. Subject always to the conditions and provisions of clause fifteen hereof, this agreement shall be substituted for the said agreement bearing date the 13th day of May, 1874, and anything provided for by said agreement not herein provided for is hereby declared to be null and void.

5. The parties of the second part shall when the necessary legislation confirming this agreement is obtained and when the certificate as herein-after set forth is obtained, advance to the parties of the first part in aid of the said Victoria Hospital building the sum of fifteen thousand dollars, and such sum shall bear interest at the rate of three and one-half per cent. per annum, and such interest shall be by the parties of the first part applied as far as necessary, or to the full extent thereof if necessary, in payment of the balance due in each year by the said parties of the second part for county patients, and should there be in any year a balance due by the parties of the second part after the application of its share of the said trust funds, and of the interest on the said sum of fifteen thousand dollars as aforesaid, the balance shall be paid by the parties of the second part to the parties of the first part at the end of the year in cash.

6. The parties of the second part shall not be bound to pay over to the parties of the first part the said sum of fifteen thousand dollars until a certificate has been signed by the architect of the said Victoria Hospital certifying that the buildings have been completed in accordance with the plans and specifications of the said architect, and in the event of the death of the said architect before the completion of the said buildings the certificate aforesaid may be signed by the successor in office of such architect, appointed by the said party of the first part, and the parties of the second part shall not be compelled to pay over the said sum of fifteen thousand dollars until legislation confirming this agreement has been passed by the Legislature of the Province of Ontario, the costs and expenses of such legislation to be borne equally by the parties hereto.

7. This agreement shall remain in force for five years from the date hereof unless terminated as hereinafter provided, subject always however to the conditions and proviso contained in the fifteenth paragraph hereof.

8. If the present Government grant should be at any time during the existence of this agreement wholly or in part withdrawn or reduced, the parties of the first part shall be at liberty to terminate this agreement by giving to the parties of the second part six months' notice in writing of their intention so to do and repaying to the party of the second part the said sum of fifteen thousand dollars with the interest due, if any, and at the end of the six months mentioned in said notice this agreement shall be determined in the same manner as if the full term of five years had expired. And thereafter the said parties of the second part shall have no claim upon or interest in the said hospital acquired under this agreement (if any) but this shall not effect the rights of the said parties of the second part under paragraph two of this agreement, or any rights which they have or may otherwise acquire.

9. At the end or sooner determination of this agreement the said parties of the first part agree to re-pay to the said parties of the second part the said sum of fifteen thousand dollars with any accrued interest thereon, if any.

10. It is agreed that this agreement shall be confirmed by legislation as aforesaid, and the parties hereto agree each with the other to join in such petition or application as may be necessary or expedient to make to the Legislature of the Province of Ontario for legislation confirming and ratifying this agreement, and amending the Act of the Legislature of the Province of Ontario, passed in the 50th year of Her Majesty's reign, and intituled "An Act respecting the General Hospital of the city of London," by providing that, in case the powers conferred by the said Act are put to an end, as provided by section 10 of the said Act, the council of the parties of the first part shall have power to provide and they shall provide representation for the parties of the second part on the committee of the council of the parties of the first part, which shall have charge of the management of the said hospital in proportion to their present representation on the board of trustees. It being understood and agreed that no amendment of the said Act shall be made which shall increase or reduce the number of the board of hospital trustees of the city of London during the continuance of this agreement without providing that the parties of

the second part shall have representation on the said board in proportion to its present representation, but this shall not prevent the said Act from being amended in such other respects as the said parties of the first part may desire.

11. It is agreed that this agreement may be renewed by the parties hereto from time to time for such time or times and upon such terms and conditions as the parties hereto may from time to time agree upon without further legislative confirmation.

12. The terms of this agreement shall continue in force after the expiration of the said term of five years unless and until either of the parties hereto terminates the same, as either party shall be at liberty to do at any time after the expiration of the term of five years, by giving to the other party six months' notice in writing of its intention so to do.

13. Should the party of the first part give such notice, and if the repayment of the said fifteen thousand dollars (with accrued interest) (if any) be not made on or before the termination of the six months' notice, the agreement shall remain in force until such repayment is made, and should the party of the second part give such notice, the party of the first part shall repay the said sum of fifteen thousand dollars, with accrued interest, if any, at or before the time of the termination of such notice and in default thereof this agreement shall continue in force until the end of the current year in which the time of the said termination of such notice shall occur when the said party of the first part agrees to pay to the said party of the second part the said sum of fifteen thousand dollars, with accrued interest, if any.

14. The party of the first part agrees to receive and admit to the said hospital such patients as may from time to time be sent thereto by the party of the second part, and to give to such patients proper maintenance, medical care and treatment and all other proper care and attendance at least equal to that given to any non-paying patients in the said hospital. The certificate of any one authorized by the municipal council of the county of Middlesex to be sufficient authority to the hospital authorities to receive the said patients.

15. Provided always and it is hereby expressly agreed and declared that, notwithstanding anything hereinbefore contained, if this agreement be not sanctioned by legislation as hereinbefore provided for the rights of the parties hereto whether under the said agreement dated the thirteenth day of May, 1874, or otherwise, howsoever, shall be exactly as they were before this agreement was made

In witness whereof the parties hereto have caused to be affixed their corporate seals, and the mayor of the said city of London, and the warden of the said county of Middlesex have set their hands the day and year first above written.

Signed, sealed and delivered
In the presence of

C. A. KINGSTON
As to signature of
Jno. D. Wilson,

T. E. ROBSON,
As to signature of
Peter Elson, Warden

Jno. D. WILSON,
Mayor.

PETER ELSON,
Warden.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting Victoria Hospital of the
City of London.

First Reading, 21st February, 1899.

(Reprinted as amended by Private Bills
(Committee).)

MR. LEYS.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act respecting the City of London.

WHEREAS the *Municipal Corporation* of the City of London and the *Municipal Corporation* of the County of Middlesex have by their petitions prayed for special legislation in respect of the several matters set forth ⁱⁿ sections 1, 2, 3, 4 and 6 hereof, ^{and} the Corporation of the City of London has by its petition also prayed for special legislation in respect of the other matters hereinafter set forth: and whereas it is expedient to grant the prayer of the said petitions;

Preamble.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The agreement bearing date the tenth day of December, A.D., 1898, made between the Corporation of the City of London, of the first part, and the Corporation of the County of Middlesex, of the second part, a true copy of which appears in schedule "A" to this Act, is hereby confirmed, and declared to be legal, valid and binding.

Agreement confirmed.

2. In case the powers conferred by the Act of the Legislature of the province of Ontario passed in the 50th year of Her Majesty's reign numbered 58 and intituled *An Act respecting the General Hospital of the City of London*, shall cease and the same shall revert to the municipal council of the Corporation of the City of London as provided by section 10 of the said Act, the municipal council of the corporation of the city of

Provision for county representation.

London shall have power to provide, and they shall provide, during the continuance of the agreement referred to in section 1 hereof, ~~and~~ and of any renewal thereof, ~~for~~ for representation for the municipal council of the corporation of the county of Middlesex on the committee of the council of the corporation of the city of London which shall have charge of the management of the said hospital (which shall hereafter be known as "Victoria Hospital") in proportion to the present representation of the said corporation of the county of Middlesex on the board of trustees as constituted by the said Act intituled *an Act Respecting the General Hospital of the City of London*.

Proportion of city and county representation to remain unchanged.

3. During the continuance of the said agreement referred to in the first section hereof, and set out in schedule "A" to this Act, and of any renewal thereof, no amendment of the said Act intituled *An Act respecting the General Hospital of the City of London* shall be made which shall increase or reduce the number of the board of hospital trustees of the city of London without providing that the corporation of the county of Middlesex shall have representation on the said board of hospital trustees in proportion to their representation on the said board, as constituted by the said last mentioned Act, but nothing in this section contained is intended to, or shall prevent the said last mentioned Act from being amended in such other respects as the corporation of the city of London may from time to time desire.

Agreement may be renewed.

4. The corporation of the city of London and the corporation of the county of Middlesex may renew the said agreement referred to in the first section hereof, and set forth in schedule "A" to this Act, from time to time upon such terms and conditions as the said parties may from time to time mutually agree upon.

Authority to County of Middlesex to issue debentures.

5. The Council of the Corporation of the County of Middlesex may pay out of any unappropriated funds under their control the said sum of \$15,000 mentioned in the said agreement, set out in Schedule A to this Act, or at their option the said Council may pass a by-law to issue debentures to raise the said sum of \$15,000, and may raise the same by the sale of the said debentures, such debentures to be in sums of not less than \$100 each, and may be made payable in twenty years or less from the date thereof, with interest thereon at a rate not exceeding 4 per cent per annum payable half yearly. 

Authority City of London to issue debentures and impose special rate.

6. In the event of the said sum of \$15,000 becoming payable to the Corporation of the County of Middlesex by the Corporation of the City of London, as provided by the said agreement set out in Schedule A to this Act, the Council of the Corporation of the City of London may, without submitting the same to the ratepayers qualified to vote on money

by-laws, pass a by-law to authorize the issue of debentures of the said City of London to the amount of \$15,000 for the purpose aforesaid, and may issue any number of debentures, in sums of not less than \$100 each, which may be payable at any time within twenty-five years from the date thereof with interest at a rate not exceeding 4 per cent. per annum, payable half yearly, and for the purpose of redeeming the said debentures and paying the interest thereon the Council of the Corporation of the City of London may in any by-law to be passed authorizing any such loan, and the issue of debentures therefor, impose a special rate per annum upon all the rateable property in the said municipality over and above, and in addition to, all other rates to be levied in each year, which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity. ¹⁸

¹⁷ 7. The Council of the Corporation of the City of London may borrow for any period not exceeding twenty-five years such sum not exceeding \$10,000 as to the Council may seem fit, for the purpose of completing Victoria Hospital, and may pay and apply the same, accordingly, and the by-law authorizing the issue of the said debentures need not be submitted to the ratepayers qualified to vote on money by-laws, and the debentures so to be issued shall be in sums of not less than \$100 each, and shall bear interest at a rate not exceeding 4 per cent. per annum, payable half yearly, and for the purpose of redeeming the said debentures and paying the interest thereon the Council of the Corporation of the City of London may in any by-law to be passed authorizing any such loan, and the issue of debentures therefor, impose a special rate per annum upon all the rateable property in the municipality over and above and in addition to all other rates to be levied in each year which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity. ¹⁸

Authority to
issue other
debentures.

¹⁸ 8. No irregularity in the form of the debentures issued under the authority of this Act or any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action for the recovery of the amount thereof, or the interest thereon, or any part thereof. ¹⁹

Irregularity
in form not to
invalidate.

¹⁹ 9. The Municipal Council of the Corporation of the City of London may, in the event of arrangements being made with the Government of the Dominion of Canada for the transfer to the said Corporation of the present drill shed and grounds in the said city, pass a by-law for acquiring such lands as they may deem necessary within the limits of the City of London, to provide for a new drill shed site, and to convey the same to Her Majesty the Queen, in consideration of the transfer of the present drill shed and grounds to the trustees hereinafter referred to. ²⁰

Acquiring
new site for
drill shed.

Borrowing funds to purchase site for drill shed.

10. The said municipal council may pass a by-law for borrowing such sum of money as they may require, but not exceeding the sum of ten thousand dollars, for the purpose of purchasing therewith, and with any portion of the purchase money which may be provided by the Government of the Dominion of Canada, the said lands so to be acquired as aforesaid, and issue debentures for the amount so to be borrowed as aforesaid, which may be made payable within such period not exceeding twenty years, and with such rate of interest not exceeding four per cent per annum, payable half-yearly, as said council may think fit.

Trustees of drill shed site.

11. The said municipal council may appoint three trustees to whom the said lands to be transferred to the said corporation as aforesaid shall be conveyed to be held by them upon trust to sell and dispose of the said lands as directed from time to time by the said council, but not in any event earlier than the time when the same shall cease to be used by the Government of the Dominion of Canada as a drill shed, and after the payment thereof of the costs and charges attending the execution of their trust to apply the produce thereof in payment of the principal and interest of the moneys which shall be borrowed under the authority of section 10 of this Act, and to pay over the surplus, if any, to the treasurer of the said city for the general purposes thereof.

Term of office of trustees—vacancies.

12. The said trustees first appointed shall hold office for two years from the time of their appointment, and their successors shall be appointed annually, and vacancies occurring in the office of trustee shall be filled by the said council for the residue of the term of office of the trustee whose office becomes vacant.

Trustees to be a corporation and serve without salary.

13. The said trustees shall be a corporation to be called and known as "The Trustees of the Drill Shed Site," and shall not be entitled to any remuneration for their services, and the treasurer of the Corporation of the City of London for the time being shall be the secretary and treasurer of "The Trustees of the Drill Shed Site," without any remuneration for his services as such.

Sale of present site.

14. The said trustees may sell the said lands in parcels, and for cash or upon credit, and may take security by mortgage on the lands sold, or any other lands, for so much of the purchase money as may remain unpaid.

Disposing of securities and application of proceeds.

15. The said trustees shall, if and as required by the said council, sell and dispose of the mortgages and securities taken by them on account of the sale of the said lands and apply the produce thereof in paying the debentures issued under the authority of section 10 of this Act.

16. If the produce of the sale of the lands conveyed to the said trustees shall not be sufficient to pay off the moneys borrowed under the authority of section 10 of this Act, and the interest thereon within seven years from the passing of this Act, it shall be the duty of the said council, after the expiration of the said period of seven years, to raise by special rate upon all the ratable property within the said city, yearly, during the currency of the said debentures, a sum sufficient to pay the annual interest of the then outstanding debentures, and a sum sufficient with the estimated interest on the investments thereof (the rate of such interest not to exceed four per centum per annum, capitalized annually) to discharge the debt when payable. ^{Provision for payment of debentures.}

17. It shall not be necessary that the by-law passed under the authority of section 10 of this Act shall receive the assent of the electors, or that any of the provisions of "*The Municipal Act*" relating to by-laws for creating debts shall be complied with. ^{Assent of electors not required.}

18. Every debenture issued under the authority of section 10 of this Act shall have upon the face of it written or printed the words "Drill Shed Site Debenture," and it shall be conclusively presumed in favour of the holder of any such debenture that the same was lawfully issued under the authority of this Act. ^{Form of debentures.}

19. The trustees shall annually, or oftener if required by the said council, deliver to the clerk of the municipality a statement showing the state of the trust fund in their hands, and such other information as the council may from time to time require. ^{Annual statement by trustees.}

SCHEDULE A.

ARTICLES OF AGREEMENT made this tenth day of December, A.D., 1898,
between the corporation of the city of London, of the first part, and
the corporation of the county of Middlesex, of the second part

Whereas under the provisions of the agreement made between the parties hereto bearing date the thirteenth day of May, A.D., 1874, the trustees of the London Savings Bank transferred to the parties to the said agreement and the board of trade of the city of London the debentures therein referred to, upon the trusts therein mentioned.

And whereas the securities now held by the said parties, and the said the board of trade of the city of London upon the trusts therein mentioned, consist of nine debentures of the city of St. Thomas, amounting to nine thousand dollars; one debenture of the city of St. Thomas, amounting to one hundred dollars, and one debenture of the county of Middlesex, amounting to six thousand five hundred dollars.

And whereas an agreement has been made between the parties hereto as to the application of the income of the said trust funds as hereinafter provided for, and the parties hereto have agreed as to the contribution to be made by the parties of the second part towards the additions and improvements to the London General Hospital, now known as Victoria Hospital, and as to the maintenance of the patients of the parties of the second part, and as to the payment therefor, as hereinafter set forth.

Now it is agreed by and between the parties hereto as follows:—

1. The parties hereto, and their successors in office and the board of trade of the city of London, and their successors in office, the trustees of the said funds shall pay to the parties of the first part annually its one-half share of the annual profits of the said trust funds, to be applied by the parties of the first part towards the care and maintenance of the city patients in the said hospital.

2. That out of the share of the parties of the second part, or one-half of the profits of the said trust funds, the said trustees shall pay the parties of the first part, at such average rate per day, for every patient the parties of the second part may send to the Victoria Hospital during the year, such rate to be ascertained as follows:—To the gross cost of the main'enance, attendance upon, and medical and other care of all the patients during the year, add for rent of hospital six per cent. on eight thousand dollars, add such sum as may have been necessarily expended during the year for repairs and insurance; take the number of patients for the year and ascertain the average cost per day for each patient, on the above basis. If the share of the parties of the second part in the profits of the said trust funds for any year shall exceed the charge made upon it as aforesaid the excess shall be retained by the said trustees and applied in like manner in the following year or years. The agreement contained in this clause to remain in force and the charge for rental not to be increased for all time to come and the right of the county to send patients to the extent of the fund aforesaid shall not be interfered with.

3 If the parties of the second part shall in any year send a greater number of patients than shall be sufficient to exhaust its share of the profits aforesaid the parties of the second part shall, at the end of the year, pay to the parties of the first part for the number of patients exceeding the number provided for by the next preceding clause of this agreement the sum of seventy-five cents per day per patient.

4. Subject always to the conditions and provisions of clause fifteen hereof, this agreement shall be substituted for the said agreement bearing date the 13th day of May, 1874, and anything provided for by said agreement not herein provided for is hereby declared to be null and void.

5. The parties of the second part shall when the necessary legislation confirming this agreement is obtained and when the certificate as hereinafter set forth is obtained, advance to the parties of the first part in aid of the said Victoria Hospital building the sum of fifteen thousand dollars, and such sum shall bear interest at the rate of three and one-half per cent. per annum, and such interest shall be by the parties of the first part applied as far as necessary, or to the full extent thereof if necessary, in payment of the balance due in each year by the said parties of the second part for county patients, and should there be in any year a balance due by the parties of the second part after the application of its share of the said trust funds, and of the interest on the said sum of fifteen thousand dollars as aforesaid, the balance shall be paid by the parties of the second part to the parties of the first part at the end of the year in cash.

6. The parties of the second part shall not be bound to pay over to the parties of the first part the said sum of fifteen thousand dollars until a certificate has been signed by the architect of the said Victoria Hospital certifying that the buildings have been completed in accordance with the plans and specifications of the said architect, and in the event of the death of the said architect before the completion of the said buildings the certificate aforesaid may be signed by the successor in office of such architect, appointed by the said party of the first part, and the parties of the second part shall not be compelled to pay over the said sum of fifteen thousand dollars until legislation confirming this agreement has been passed by the Legislature of the Province of Ontario, the costs and expenses of such legislation to be borne equally by the parties hereto.

7. This agreement shall remain in force for five years from the date hereof unless terminated as hereinafter provided subject always however to the conditions and proviso contained in the fifteenth paragraph hereof.

8. If the present Government grant should be at any time during the existence of this agreement wholly or in part withdrawn or reduced, the parties of the first part shall be at liberty to terminate this agreement by giving to the parties of the second part six months' notice in writing of their intention so to do and repaying to the party of the second part the said sum of fifteen thousand dollars with the interest due, if any, and at the end of the six months mentioned in said notice this agreement shall be determined in the same manner as if the full term of five years had expired. And thereafter the said parties of the second part shall have no claim upon or interest in the said hospital acquired under this agreement (if any) but this shall not effect the rights of the said parties of the second part under paragraph two of this agreement, or any rights which they have or may otherwise acquire.

9. At the end or sooner determination of this agreement the said parties of the first part agree to re-pay to the said parties of the second part the said sum of fifteen thousand dollars with any accrued interest thereon, if any.

10. It is agreed that this agreement shall be confirmed by legislation as aforesaid, and the parties hereto agree each with the other to join in such petition or application as may be necessary or expedient to make to the Legislature of the Province of Ontario for legislation confirming and ratifying this agreement, and amending the Act of the Legislature of the Province of Ontario, passed in the 50th year of Her Majesty's reign, and intitled "An Act respecting the General Hospital of the city of London," by providing that, in case the powers conferred by the said Act are put to an end, as provided by section 10 of the said Act, the council of the parties of the first part shall have power to provide and they shall provide representation for the parties of the second part on the committee of the council of the parties of the first part, which shall have charge of the management of the said hospital in proportion to their present representation on the board of trustees. It being understood and agreed that no amendment of the said Act shall be made which shall increase or reduce the number of the board of hospital trustees of the city of London during the continuance of this agreement without providing that the parties of

the second part shall have representation on the said board in proportion to its present representation, but this shall not prevent the said Act from being amended in such other respects as the said parties of the first part may desire.

11. It is agreed that this agreement may be renewed by the parties hereto from time to time for such time or times and upon such terms and conditions as the parties hereto may from time to time agree upon without further legislative confirmation.

12. The terms of this agreement shall continue in force after the expiration of the said term of five years unless and until either of the parties hereto terminates the same, as either party shall be at liberty to do at any time after the expiration of the term of five years, by giving to the other party six months' notice in writing of its intention so to do.

13. Should the party of the first part give such notice, and if the repayment of the said fifteen thousand dollars (with accrued interest) (if any) be not made on or before the termination of the six months' notice, the agreement shall remain in force until such repayment is made, and should the party of the second part give such notice, the party of the first part shall repay the said sum of fifteen thousand dollars, with accrued interest, if any, at or before the time of the termination of such notice and in default thereof this agreement shall continue in force until the end of the current year in which the time of the said termination of such notice shall occur when the said party of the first part agrees to pay to the said party of the second part the said sum of fifteen thousand dollars, with accrued interest, if any.

14. The party of the first part agrees to receive and admit to the said hospital such patients as may from time to time be sent thereto by the party of the second part, and to give to such patients proper maintenance, medical care and treatment and all other proper care and attendance at least equal to that given to any non-paying patients in the said hospital. The certificate of any one authorized by the municipal council of the county of Middlesex to be sufficient authority to the hospital authorities to receive the said patients.

15. Provided always and it is hereby expressly agreed and declared that, notwithstanding anything hereinbefore contained, if this agreement be not sanctioned by legislation as hereinbefore provided for the rights of the parties hereto whether under the said agreement dated the thirteenth day of May, 1874, or otherwise, howsoever, shall be exactly as they were before this agreement was made.

In witness whereof the parties hereto have caused to be affixed their corporate seals, and the mayor of the said city of London, and the warden of the said county of Middlesex have set their hands the day and year first above written.

Signed, sealed and delivered
In the presence of

C. A. KINGSTON
As to signature of
Jno. D. Wilson,

T. E. ROBSON,
As to signature of
Peter Elson, Warden

JNO. D. WILSON,
Mayor.

PETER ELSON,
Warden.

No. 34.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the City of London.

First Reading, 21st February, 1899.
Second Reading, 13th March, 1899.

*(Reprinted as amended by Committee of
the Whole.)*

Mr. LEYS.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 35.]

BILL.

[1899.

An Act to authorize the Town of Goderich to borrow
\$25,000.

WHEREAS the corporation of the Town of Goderich have Preamble
by their petition represented that in the year 1888 a
system of water works and an electric light plant, for the use
of the said Town, was established and a debt then incurred
5 therefor amounting to the sum of \$54,000, but that owing to
unforeseen but necessary changes and enlargements of the
original design, a much larger sum has been expended, namely
upon the said water works, the sum of \$35,094.46, and upon
the said electric light plant, the sum of \$17,948.02, of which
10 said increased expenditure there is at the present time a float-
ing debt owing by the said corporation of \$20,000.00 and it
will require an additional sum of \$5,000.00 to complete the
said water works and electric light plants. And whereas, as
appears by the said petition, the total present net debt of the
15 said Town, apart from the said floating debt, is the sum of
\$134,098.13, against which there are assets of the said Town
such as the said water works and electric light plants, perma-
nent sewers recently constructed, and parks, public buildings
and lands in value largely in excess of the said net debt; and
20 whereas the said corporation have by their said petition
prayed that they may be authorized to borrow upon their
debentures the sum of \$25,000.00 to pay the said floating debt,
and the said additional sum of \$5,000 required to complete
the said water works and electric light plants; and whereas it
25 is expedient to grant the prayer of the said petition.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Form of debentures.

1. It shall be lawful for the said corporation of the Town of Goderich to raise by way of loan on the credit of the debentures of the said corporation, from any person or persons, body or bodies corporate, willing to lend the same, the sum of \$25,000, to run for a period not exceeding thirty years from the date of the issue thereof. Coupons shall be attached to the said debentures for the payment of the interest thereon, which shall not exceed four per cent. per annum, and such interest shall be payable yearly on the first day of December in each and every year at the places mentioned thereon. 5 10

Where payable.

2. The said debentures shall be made payable at such place or places as the Municipal Council of the said corporation may by by-law direct. 15

How payable.

3. The said the Municipal Council may also, by by-law direct that the principal of the said sum of \$25,000 shall be repayable in instalments extending over the said period of thirty years, such instalments being so equalized that, with the interest, the annual sum to be collected in respect of the said debentures shall throughout the said period of thirty years, be equal as nearly as may be. 20

Special rate.

4. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the said debentures, if the same are made repayable by instalments as hereinbefore authorized, and if not then to provide for the annual interest thereon and a sufficient sinking fund to repay (with the accumulated interest thereon derived from its investment) the said principal sum at the end of the period for which the same shall have been borrowed under the authority hereof. 25 30

Application of debentures.

5. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the repayment of the said floating debt of \$20,000, and in the completion of the water works and electric light plants, and for no other purpose whatsoever. 35

By-law when repealed.

6. Any by-law passed under the provisions of this Act shall not be repealed until the debt created thereunder, and the interest thereon shall have been fully paid and satisfied. 40

Assent of electors not necessary.

7. It shall not be necessary to obtain the assent of the electors of the said Town of Goderich to the passing of any

by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

R. S. O. c.
223.

8. It shall be the duty of the Treasurer from time to time, Books of account to be kept.
 5 of the said Town, to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such Treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number
 10 of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures which shall respectively become due and payable, and the several amounts shall from time to time be
 15 realized from the sales or negotiations of the said debentures and the application which shall from time to time be made of the said amounts, and the said books of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said Town, and of any of
 20 the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

9. Any provisions in *The Act respecting Municipal Institutions in the Province of Ontario*, which are or may be inconsistent with the provisions of this Act, or any of them, shall Inconsistent provisions of R. S. O. c. 223, not to apply.
 25 not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act, or any by law or by-laws authorizing the issue thereof, shall render the same invalid or illegal,
 30 or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound
 35 to inquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof. Irregularity no defence.

BILL.

An Act to authorize the Town of Goderich
to borrow \$25,000.00

First Reading,	1897.
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(Private Bill.)

Mr. GARROW.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 35.]

BILL.

[1899.

An Act to authorize the Town of Goderich to borrow
\$25,000.

WHEREAS the *municipal* corporation of the Town of Goderich have by their petition represented that in the year 1888 a system of water works and an electric light plant, for the use of the said Town, was established and a debt then incurred therefor amounting to the sum of \$54,000, but that owing to unforeseen but necessary changes and enlargements of the original design, a much larger sum has been expended, namely upon the said water works, the sum of \$85,094.46, and upon the said electric light plant, the sum of \$17,948.02, of which said increased expenditure there is at the present time a floating debt owing by the said corporation of \$20,000 and it will require an additional sum of \$5,000 to complete the said water works and electric light plants; and whereas, as appears by the said petition, the total present net debt of the said Town, apart from the said floating debt, is the sum of \$134,098.13, against which there are assets of the said Town such as the said water works and electric light plants, permanent sewers recently constructed, and parks, public buildings and lands in value largely in excess of the said net debt; and whereas the said corporation have by their said petition prayed that they may be authorized to borrow upon their debentures the sum of \$25,000.00 to pay the said floating debt, and the said additional sum of \$5,000 required to complete the said water works and electric light plants; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Form of debentures.

1. It shall be lawful for the said corporation of the Town of Goderich to raise by way of loan on the credit of the debentures of the said corporation, from any person or persons, body or bodies corporate, the sum of \$25,000, to run for a period not exceeding thirty years from the date of the issue thereof. Coupons shall be attached to the said debentures for the payment of the interest thereon, which shall not exceed four per cent. per annum, and such interest shall be payable yearly on the first day of December in each and every year at the places mentioned therein.

Where payable.

2. The said debentures shall be made payable at such place or places as the Municipal Council of the said corporation may by by-law direct.

Payment of debentures and interest.

3. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding thirty years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

4. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the said debentures, hereinbefore authorized, and it shall not be necessary to levy for, or to provide, any sinking fund to retire the said debentures or any of them.

Application of debentures.

5. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the repayment of the said floating debt of \$20,000, and in the completion of the water works and electric light plants, and for no other purpose whatsoever.

By-law when repealed.

6. Any by-law passed under the provisions of this Act shall not be repealed until the debt created thereunder, and the interest thereon shall have been fully paid and satisfied.

Assent of electors not necessary.

7. It shall not be necessary to obtain the assent of the electors of the said Town of Goderich to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

R.S.O. c. 223.

8. It shall be the duty of the Treasurer from time to time, of the said Town, to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such Treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures which shall respectively become due and payable, and the several amounts shall from time to time be realized from the sales or negotiations of the said debentures and the application which shall from time to time be made of the said amounts, and the said books of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said Town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

9. Any provisions in *The Act respecting Municipal Institutions in the Province of Ontario*, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act, or any by law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Books of
account to be
kept.

Inconsistent
provisions of
R. S. O. c.
223, not to
apply.

Irregularity
no defence.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to authorize the Town of Goderich
to borrow \$25,000.

First Reading, 15th February, 1899.

*(Reprinted as amended by Committee on
Private Bills.)*

Mr. GARROW.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 36.]

BILL.

[1899.

An Act to Incorporate the Algoma Central Railway Company.

WHEREAS a petition has been presented, praying for the Preamble.
incorporation of a Company to construct and operate a
railway as hereinafter set forth, and it is expedient to grant
the prayer of said petition ;

5 Therefore Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Edward V. Douglas, Frank S. Lewis, Walter P. Douglas, Incorporation.
all of the City of Philadelphia, in the State of Pennsylvania,
10 one of the United States of America ; Bertrand J. Clergue and
Henry C. Hamilton, both of the Town of Sault Ste Marie, in
the District of Algoma, together with such other persons and
corporations as become shareholders in the Company hereby
incorporated are hereby constituted a body corporate under
15 the name of “ Algoma Central Railway Company,” hereafter
called the Company.

2. The head office of the company shall be in the Town of Head Office.
Sault Ste Marie, in the District of Algoma, in the Province of
Ontario.

20 3. The company may lay out, construct and operate a rail- Location of
way of the gauge of four feet eight and one-half inches, from line.
a point at or near the Town of Sault Ste Marie, in the District

of Algoma, on the St. Mary River to a point on or near the Michipicoten River and thence northerly to the main line of the Canadian Pacific Railway, and southerly to Michipicoten Harbor upon Lake Superior.

Provisional
Directors.

4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the company. 5

Capital stock.

5. The capital stock of the company shall be \$3,000,000 and may be called up by the directors from time to time as they deem necessary; but no one call shall exceed 10 per cent. 10 on the shares subscribed.

Annual meet-
ing.

6. The annual general meeting of the shareholders shall be held on such day as may be appointed by the by-laws of the company.

Directors.

7. At the annual general meeting of the shareholders the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose not less than five nor more than twelve persons to be directors of the company, one or more of whom may be paid directors. 15

Pledge bonds.

8. The company may issue bonds, debentures or other securities to the extent of \$20 000 per mile of the railway and branches. 20

General pow-
ers.

9. The company shall have power: (1) to erect and maintain docks, dock yards, wharves, slips and piers at any point on or in connection with the said Algoma Central Railway and all the termini thereof on navigable waters for the convenience and accommodation of vessels and elevators; (2) to acquire and work elevators; (3) to acquire, own, hold, charter, work and run steam and other vessels for cargo and passengers upon any navigable water which the Algoma Central Railway may connect with; (4) to construct, maintain and work a continuous telegraph line and telephone line throughout and along the whole line of the Algoma Central Railway, or any part thereof, and to construct or acquire by purchase, lease or otherwise, any other line or lines of telegraph connect- 35 ing with the line so as to be constructed along the line of said railway and to undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing; or to lease such line or lines of telegraph or telephone or any portion thereof; and to use any 40 improvement that may hereafter be invented (subject to the rights of the patentee) for telegraphing or telephoning, or any other means of communication that may be deemed expedient by the company at any time hereafter; (5) to acquire and utilize water and steam power for the purpose of compressing 45

air or generating electricity for lighting, heating or motor purposes, and may dispose of power generated by the company's works and not required for the undertaking of the company ; (6) to acquire by purchase, lease or otherwise, real and personal property of every description, and mines, mining or mineral lands of every description, and to lease, sell and convey the same ; (7) to develop and operate mining or mineral lands and mines of every description ; (8) to acquire exclusive rights and letters patent, franchises or patent rights, and again dispose of the same.

10. The company may receive from any Government or any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid toward the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money or by way of guaranty or agreement upon such terms and conditions as may be agreed upon.

Authority to
receive gifts.

11. Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the Company any lands belonging to any such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway ; and the company shall have power to accept gifts of land from any Government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Gifts of lands.

12. The provisional directors or the elected directors may pay or agree to pay in paid up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Payment of
stock.

13. The Company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon subject to the payment of such damages (if any) as may be so established in the manner provided by law in respect to such railway to have been actually suffered.

Snow fences.

Proxy.

14. At all meetings of the Company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the Company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the Company. 5

Commence-
ment.

15. The railway hereby authorized shall be commenced within two years and finished and put in operation within seven years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incom- 10
plete.

Provisions of
other Acts to
apply.

16. Any Act hereafter passed for the purpose of controlling railway companies incorporated or subject to the Legislature of Ontario as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running 15
powers over or other rights in connection with the railway of any Company by any other Company and the exercise of powers conferred upon railway companies shall apply to the Company from the time such Act goes into effect, but this section shall not be construed to imply that such Act would 20
not apply to the Company without the enactment of this section.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to incorporate the Algoma Central
Railway Company.

First Reading,	1899.
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(Private Bill.)

Mr. FARWELL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 36.]

BILL.

[1899.

An Act to Incorporate The Algoma Central Railway Company.

WHEREAS⁴⁴ Edward V. Douglas, Frank S. Lewis, and Preamble.

Walter P. Douglas, all of the City of Philadelphia, in the State of Pennsylvania, one of the United States of America; Francis H. Clergue, Bertrand J. Clergue and Henry C. Hamilton, both of the Town of Sault Ste. Marie, in the District of Algoma, have by their petition prayed for an Act of incorporation under the name of "The Algoma Central Railway Company" for the purpose of constructing, maintaining and operating a railway from a point at or near the town of Sault Ste. Marie, in the District of Algoma, on the St. Mary river, to a point on or near the Michipicoten river, and thence northerly to the main line of the Canadian Pacific Railway, and southerly to Michipicoten Harbor upon Lake Superior; and it has been represented that the line of the railway of the company so to be incorporated will, for the most part, be constructed in the unorganized part of the Province; and it is proposed to operate the same by steam or electricity; and whereas, owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition. 74

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation. *1.* Francis H. Clergue, Edward V. Douglas, Frank S. Lewis, Walter P. Douglas, Bertrand J. Clergue and Henry C. Hamilton, and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Algoma Central Railway Company," hereinafter called "the company."

2. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity, with double or single iron or steel tracks, from a point at or near the town of Sault Ste. Marie, in the District of Algoma, on the St. Mary river, to a point on or near the Michipicoten river, and thence northerly to the main line of the Canadian Pacific Railway, and southerly to Michipicoten Harbor upon Lake Superior, and to construct branch railways, none of which are to exceed twelve miles in length, and to exercise all the powers, rights and privileges required therefor in as full and ample a manner as for the railway; and the said railways, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act and in *The Municipal Act*.

Gauge. *3.* The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors. *4.* The said Francis H. Clergue, Edward V. Douglas, Frank S. Lewis, Walter P. Douglas, Bertrand J. Clergue and Henry C. Hamilton, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors. *5.* The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and

recover the same ; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking ; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway ; and all meetings of the provisional board of directors shall be held at the Town of Saulte Ste Marie in the district of Algoma, or at such other place as may best suit the interest of the company. ^{Rev. Stat. c. 207.}

6. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A., hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same ; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof. ^{Conveyance of land to company.}

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. ^{Subscriptions for stock when binding.}

8. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon. ^{Aid to railway.}

Capital stock.  **9.** The capital stock of the company hereby incorporated shall be \$3,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into 30,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act. 

First election of directors.  **10.** When and as soon as shares to the amount of \$100,000 of capital stock in the company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said town of Sault Ste Marie of the time, place and purpose of the said meeting. 

Number of directors and quorum.  **11.** At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than twelve persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director. 

Qualification of directors.  **12.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company and unless he has paid up all calls thereon. 

Power to construct line in sections.  **13.** The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and

to deposit the same as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys." 

 **14.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company. 

Rights of
aliens,

 **15.** The directors may from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section 17 of this Act. 

Calls on stock.

 **16.** The provisional directors or the elected directors may pay or agree to pay in paid up stock or in the bonds of the company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. 

Payments in
stocks or
bonds.

 **17.** The head office of the company shall be at the said town of Sault Ste. Marie, and the general annual meeting of the shareholders of the company shall be held in such place in the said town of Sault Ste. Marie on such days and at such

Head office,
general annual
meeting.

hours as may be directed by the by-laws of the company ; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said town of Sault Ste. Marie during the four weeks immediately preceding the week in which such meeting is to take place.

Special general meetings. **18.** Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by laws of the company, upon such notice as is provided in the last preceding section.

Proxy. **19.** At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Issue of bonds. **20.** The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said subsections.

R.S.O.. c. 207.

Bonds, etc., how payable. **21.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Transfer of bonds.

Negotiable instruments **22.** The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice president or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and

authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

 23. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Mortgaging
pledging
bonds.

 24. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Agreements
with other
companies for
leasing or
hiring rolling
stock.

 25. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

Telegraph and
telephone
lines.

 26. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions herein-after contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may

Aid from
municipalities

be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways. 

Submitting
bonus by-laws

 **27.** Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid. 

By-law what
to contain.

 **28.** Such by-law shall in each instance provide: 

 (1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law. 

 (2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively. 

Deposit to be
made before
by-law is
submitted.

 **29.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law. 

30. In case the by-law submitted be approved of and carried, Council to pass by-law if in accordance with the provisions of the law in that behalf, assented to by then within four weeks after the date of such voting, the ratepayers, municipal council which submitted the same shall read the said by-law a third time and pass the same.

31. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

32. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

33. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

34. The councils for all corporations that may grant aid by way of bonus to the company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

35. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

36. Any municipality, or portion of a township municipality interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

37. It shall be lawful for the corporation of any municipality through any part of which the railway of the company

passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of lands. **§ 38.** Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Issue of debentures. **§ 39.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to named, one by the Lieutenant-Governor in Council, one by the company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures. **§ 40.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having

an office in the Province of Ontario in the name of "The Algoma Central Railway," Municipal Trust Account, and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor. ²³

²⁴**41.** The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. ²⁴ Fees to trustees.

²⁵**42.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. ²⁵ Power to purchase whole lots.
Rev. Stat. c. 207

²⁶**43.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be Acquiring material for construction.

taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. ¹⁰¹

Sidings to
gravel pits.

¹⁰² 44.—(1). When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be: and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. ¹⁰³

Rev. Stat.
c. 207.

¹⁰⁴ (2) When estimating the damages for the taking of gravel stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply. ¹⁰⁵

Rev. Stat.
c. 207.

¹⁰⁶ 45. The company shall have power and authority—¹⁰⁷

Warehouses,
docks, etc.

¹⁰⁸ (1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops, machine shops, foundries and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway: ¹⁰⁹

Erect necessary buildings,
wharves, etc.

¹¹⁰ (2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway; ¹¹¹

Powers as to
production
and use of
electricity.

¹¹² (3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company; ¹¹³

Lease or sell
electricity not
required for
railway.

¹¹⁴ (4) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the com-

pany in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section; Rev. Stat c. 20.

5(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof. Acquiring rights for conveying electricity.

46.—(1) The railway of the company shall not be constructed or operated on upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water. Construction on streets, etc.

~~§~~(2) The by-laws mentioned in section 2, subsection 5, of the preceding section, and in this section, shall be subject to the conditions and provisions of section 632 of *The Municipal Act*. ~~§~~

Power to erect
snow fences.

~~§~~47. The Company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into and upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be *hereafter* established in the manner provided by law in respect of such railway, to have been actually suffered. ~~§~~ provided always that any such snow fences so erected shall be removed on or before the first day of April next following. ~~§~~

Amalgama-
tion with
other com-
panies.

~~§~~48. The company is authorized and empowered to make necessary arrangements to contract and agree with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada and the Ontario, Hudson's Bay and Western Railways Company, formerly the Sault Ste Marie and Hudson's Bay Railway Company if lawfully authorized to enter into such arrangements for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act. ~~§~~

Arrangements
with other
companies.

~~§~~49. The company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company, and the Ontario, Hudson's Bay and Western Railways Company formerly the Sault Ste Marie and Hudson's Bay Railway Company, if lawfully empowered to enter into such agreements, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with any or either of the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or lease or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an

agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario. ⁶²

⁶³50. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. ⁶⁴ Transfer of shares.

⁶⁵51. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. ⁶⁶ Payment of back charges of goods.

⁶⁷The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act. ⁶⁸ Incorporation of provisions of Rev. Stat. c. 207.

53. The railway hereby authorized shall be commenced within three years and finished and put in operation within six years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. Commencement and completion of line.

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or venders) in consideration of

dollars paid to me (or us) by The Algoma Central Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land (describe the land the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Algoma Central Railway Company, their successors and assigns forever (here insert any other clauses, covenants and conditions required), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As WITNESS my (or our) hand and seal (or hand and seal) this day of , one thousand, eight hundred and ninety-

Signed, sealed and delivered }
in the presence of }

(L. S.,)

SCHEDULE B.

(Section 41.)

CHIEF ENGINEER'S CERTIFICATE.

The Algoma Central Railway Company's Office.

No. .

A.D. 18 .

ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Algoma Central Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, chief engineer of The Algoma Central Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of , 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled).

No. 36.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to incorporate The Algoma Central
Railway Company.

First Reading, 28th February 1899.

*(Reprinted as amended by Railway
Committee.)*

MR. FARWELL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 37.]

BILL

1899.]

An Act Respecting the Debenture Indebtedness of the Village of Blyth.

WHEREAS the municipal corporation of the Village of Blyth have by their petition represented that for the purpose of sinking a salt well and establishing salt works in the said village they incurred a debt of \$3,300.00, for which amount debentures of the said corporation were issued under By-law No. 2, 1879, of the said village, which mature on the 1st day of May, 1899, and that the sum of \$1,063.55, raised as a sinking fund to meet the same, was lost by the failure of the banking firm with whom the same was deposited, and that of the balance of sinking fund required, the sum only of \$1,109.10 has been raised for that purpose, in addition to the annual interest on said debentures, none of which is in arrear. And that under by-law No. 9, 1885, of said village, certain other debentures for the sum of \$2,000.00 were issued for the purpose of aiding the establishment of a woollen mill in the said village, which said debentures will mature on the 1st day of February, 1902, and for which the sum only of \$950.40 has been raised as a sinking fund to redeem the same, in addition to the annual interest thereon, which has been duly paid. And that under By-law No. 7, 1888, of the said village certain other debentures for the sum of \$3,000.00 were issued to purchase fire engine and appliances for the said village, which said debentures will mature on the 1st day of November 1908, and for which the sum only of \$964.10 has been raised as a sinking fund to redeem the same, in addition to the annual interest thereon, which has been duly paid. And whereas it

has been made to appear that the rates now required for such redemption would be oppressive to the ratepayers, and the said corporation has prayed that the said debt may be consolidated and that they may be authorized to issue debentures for the purpose of discharging the same. And whereas it is expedient to grant the prayer of the said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province Ontario enacts as follows :—

By-laws for
issue of debentures for
\$5,500 00.

1. It shall be lawful for the corporation of the Village of 10
Blyth to pass a by-law or by-laws providing for the issue of
debentures under their corporate seal, signed by the reeve and
countersigned by the treasurer for the time being, in such
sums of not less than \$100 and not exceeding \$5,500 in the
whole, as the said corporation may from time to time direct, 15
and the principal sum secured by the said debentures and the
interest accruing thereon may be payable at such place or
places in this province as the said corporation may determine.

Power to raise
money on de-
bentures

2. The said corporation may for the purposes herein mer-
tioned, raise money by way of loan on the said debentures, or 20
sell or dispose of the same from time to time as they may deem
expedient.

Terms of
debentures.

3. The said debentures shall be payable in not more than
twenty years from the date thereof, as the said corporation
may direct. Coupons shall be attached thereto for the pay- 25
ment of the interest thereon, and such interest shall be payable

Interest.

yearly or half-yearly as the said corporation may direct, at
any rate not exceeding five per cent. per annum.

Application
of proceeds
of debentures.

4. The said debentures and all monies arising therefrom
shall be applied by the said corporation in the redemption of 30
the said outstanding debentures maturing on the 1st day of
May 1899, and of the said other outstanding debentures recited
in the preamble hereto, as the same shall mature, in aid of the
said several sums standing at the credit of the sinking funds
applicable thereto, and in payment of the incidental expenses 35
of procuring this legislation, and for no other purpose what-
ever, and the said debentures may be known as the Blyth
Consolidated Debt debentures.

Debt to be
discharged by
equal annual
payments.

5. A portion of the debentures to be issued under this Act
shall be made payable in each year of the currency thereof, 40
and so that the aggregate amount payable for principal and
interest in any one year shall be equal as nearly as may be to
what is payable for principal and interest during each of the
other years during the period of the said debentures.

6. The said corporation shall levy, in addition to all other Special rate. rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the said debentures so authorized to be issued, and it shall not be necessary to levy or provide any sinking fund to retire the said debentures or any of them.

7. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-laws not to be repealed until debts paid.

8. It shall not be necessary to obtain the assent of the electors of the said Village of Blyth to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto, prescribed by *The Municipal Act*. Assent of electors not required. R.S.O. c. 223.

9. The treasurer of the said village on receiving instructions from the council so to do, shall, on the maturity of the debentures now outstanding, discharge the same with funds raised under the preceding sections of this Act, or may, with the consent of the holders of the said outstanding debentures, substitute therefor the debentures, or any of them, herein authorized to be issued, as may be agreed upon between the said council and the holders of the said outstanding debentures. Relieving outstanding debentures.

10. It shall be the duty of the treasurer from time to time of the said village to keep, and it shall be the duty of each of the members from time of the said municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts and the said book of account and statement shall, at all times and at all reasonable hours, be open to the inspection of any ratepayer of the said village and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or any of the said debentures now outstanding. Treasurer to keep proper books of account.

11. Any provisions of the Acts respecting municipal institutions which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the corporation under the provisions of this Act, and no irregularity in form either of the debentures to be issued under this Act, or by the by-law or by-laws Inconsistent provisions not to apply.

authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence in any action which may be brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issuing such debentures, or as to the application of the proceeds thereof. 5

Form of debentures and by-laws.

12. The debentures to be issued under this Act may be in the form of Schedule A hereto, and the by-law or by-laws authorizing the same may be in the form set out in Schedule B to this Act. 10

Short Title.

13. This Act may be cited as *The Blyth Debenture Act*.

SCHEDULE A

(Section 12.)

PROVINCE OF ONTARIO, VILLAGE OF BLYTH, BLYTH CONSOLIDATED DEBT DEBENTURES.

\$

No.

Under and by virtue of *The Blyth Debenture Act, 1899*, and by virtue of by-law No. of the the corporation of the Village of Blyth, passed under the provisions contained in the said Act, the corporation of the Village of Blyth, in the County of Huron, promises to pay to the bearer at in the of the sum of \$ on the day of A.D. and to pay the bearer the yearly coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at the Village of Blyth, this day of A.D.

Reeve.

Treasurer.

SCHEDULE B.

(Section 12.)

By-law No. of the Village of Blyth to authorize the issue of debentures under the authority of *The Blyth Debenture Act, 1899*.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, to be known as Blyth Consolidated Debt debentures not exceeding the sum of \$5,500.00 in the whole as the corporation of the Village of Blyth may, in pursuance of and in conformity with the provisions of the said Act direct.

And whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$ payable on the day of with interest thereon at the rate of per cent. per annum, payable yearly, according to the coupons to the said debentures attached.

And whereas the amount of the whole rateable property of the Village of Blyth, according to the last revised assessment roll of the said village of Blyth, being for the year , was \$

Therefore the municipal corporation of the Village of Blyth hereby enacts as follows :—

1. Debentures under the said Act and for the purposes therein mentioned, to be known as the Blyth Consolidated Debt debentures, to the extent of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of per cent. per annum, payable yearly on the pay of in each year.

3. This by-law shall come into effect forthwith after the passing hereof.

Passed in open council this day of

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act respecting the Debtenture Indebtedness of the Village of Blyth.

First Reading,	1899.
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(Private Bill.)

Hon. Mr. GARROW

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 37.]

BILL

1899.]

An Act respecting the Debenture Debt of the Village of Blyth.

WHEREAS the municipal corporation of the Village of Blyth have by their petition represented that for the purpose of sinking a salt well and establishing salt works in the said village they incurred a debt of \$3,300, for which amount debentures of the said corporation were issued under By-law No. 2, 1879, of the said village, which mature on the 1st day of May, 1899, and that the sum of \$1,063.55, raised as a sinking fund to meet the same, was lost by the failure of the banking firm with whom the same was deposited, and that of the balance of sinking fund required, the sum only of \$1,109.10 has been raised for that purpose, in addition to the annual interest on said debentures, none of which is in arrear; and that under by-law No. 9, 1885, of said village, certain other debentures for the sum of \$2,000 were issued for the purpose of aiding the establishment of a woollen mill in the said village, which said debentures will mature on the 1st day of February, 1902, and for which the sum only of \$950.40 has been raised as a sinking fund to redeem the same, in addition to the annual interest thereon, which has been duly paid; and that under By-law No. 7, 1888, of the said village certain other debentures for the sum of \$3,000 were issued to purchase fire engine and appliances for the said village, which said debentures will mature on the 1st day of November, 1908, and for which the sum only of \$964.10 has been raised as a sinking fund to redeem the same, in addition to the annual interest thereon, which has been duly paid; and whereas it

Preamble

has been made to appear that the rates now required for such redemption would be oppressive to the ratepayers, and the said corporation has prayed that the said debt may be consolidated and that they may be authorized to issue debentures for the purpose of discharging the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province Ontario enacts as follows:—

By-laws for
issue of debentures for
\$5,500.00.

1. It shall be lawful for the corporation of the Village of Blyth to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums of not less than \$100 and not exceeding \$5,500 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be *made payable* at such place or places in this province as the said corporation may *deem expedient*.

Power to raise
money on debentures.

2. The said corporation may for the purposes herein mentioned, raise money by way of loan on the said debentures, or sell or dispose of the same from time to time as they may deem expedient.

Terms of
debentures.

3. The said debentures shall be payable in not more than twenty years from the date thereof, as the said corporation may direct. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable yearly or half-yearly as the said corporation may direct, at any rate not exceeding five per cent. per annum.

Interest.

Application
of proceeds
of debentures.

4. The said debentures and all monies arising therefrom shall be applied by the said corporation in the redemption of the said outstanding debentures maturing on the 1st day of May 1899, and of the said other outstanding debentures recited in the preamble hereto, as the same shall mature, in aid of the said several sums standing at the credit of the sinking funds applicable thereto, and in payment of the incidental expenses of procuring this legislation, and for no other purpose whatever, and the said debentures may be known as the Blyth Consolidated Debt debentures.

Debt to be
discharged by
equal annual
payments.

5. A portion of the debentures to be issued under this Act shall be made payable in each year of the currency thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years during the period of the said debentures.

6. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the said debentures so authorized to be issued, and it shall not be necessary to levy or provide any sinking fund to retire the said debentures or any of them. Special rate.

7. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-laws not to be repealed until debts paid.

8. It shall not be necessary to obtain the assent of the electors of the said Village of Blyth to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto, prescribed by *The Municipal Act*. Assent of electors not required.
R.S.O. c. 223.

9. The treasurer of the said village on receiving instructions from the council so to do, shall, on the maturity of the debentures now outstanding, discharge the same with funds raised under the preceding sections of this Act, or may, with the consent of the holders of the said outstanding debentures, substitute therefor the debentures, or any of them, herein authorized to be issued, as may be agreed upon between the said council and the holders of the said outstanding debentures. Retiring outstanding debentures.

10. It shall be the duty of the treasurer from time to time of the said village to keep, and it shall be the duty of each of the members from time of the said municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts and the said book of account and statement shall, at all times and at all reasonable hours, be open to the inspection of any ratepayer of the said village and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or any of the said debentures now outstanding. Treasurer to keep proper books of account.

11. Any provisions of the Acts respecting municipal institutions which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the corporation under the provisions of this Act, and no irregularity in form either of the debentures to be issued under this Act, or by the by-law or by-laws Inconsistent provisions not to apply.

authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence in any action which may be brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issuing such debentures, or as to the application of the proceeds thereof.

Form of debentures and by-laws.

12. The debentures to be issued under this Act may be in the form of Schedule A hereto, and the by-law or by-laws authorizing the same may be in the form set out in Schedule B to this Act.

Short Title.

13. This Act may be cited as *The Blyth Debenture Act*.

SCHEDULE A

(Section 12.)

PROVINCE OF ONTARIO, VILLAGE OF BLYTH, BLYTH CONSOLIDATED
DEBT DEBENTURES.

§

No.

Under and by virtue of *The Blyth Debenture Act, 1899*, and by virtue of by-law No. of the the corporation of the Village of Blyth, passed under the provisions contained in the said Act, the corporation of the Village of Blyth, in the County of Huron, promises to pay to the bearer at in the of the sum of \$ on the day of A.D. and to pay the bearer the yearly coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at the Village of Blyth, this day of A.D.

Reeve.

Treasurer.

SCHEDULE B.

(Section 12.)

By-law No. of the Village of Blyth, to authorize the issue of debentures under the authority of *The Blyth Debenture Act, 1899*.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, to be known as Blyth Consolidated Debt debentures, not exceeding the sum of \$5,500 00 in the whole, as the corporation of the Village of Blyth may, in pursuance of and in conformity with the provisions of the said Act direct.

And whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$ payable on the day of with interest thereon at the rate of per cent. per annum, payable yearly, according to the coupons to the said debentures attached.

And whereas the amount of the whole rateable property of the Village of Blyth, according to the last revised assessment roll of the said village of Blyth, being for the year , was \$

Therefore the municipal corporation of the Village of Blyth hereby enacts as follows :—

1. Debentures under the said Act and for the purposes therein mentioned, to be known as the Blyth Consolidated Debt debentures, to the extent of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of per cent. per annum, payable yearly on the pay of in each year.

3. This by-law shall come into effect forthwith after the passing hereof.

Passed in open council this day of

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act respecting the Debenture Indebtedness of the Village of Blyth.

First Reading, 15th February, 1899.

(*Reprinted as amended by Committee on Private Bills.*)

Hon. Mr. GARROW

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 38.]

BILL.

[1899.

An Act to amend the Act to enable Edward Spencer Jenison to develop and improve a Water Privilege on the Kaministiquia River and extend the provisions thereof.

WHEREAS by an Act passed in the 60th year of Her Majesty's reign and chaptered 106, certain powers were granted to Edward Spencer Jenison for the purposes and on the terms and conditions therein set forth; and whereas pursuant to the said Act the official arbitrator for the City of Toronto has awarded and determined that power sufficient to supply the requirements mentioned in section 16 of the said Act cannot be supplied by the said Jenison by the construction of electric works at or near Ecarte Rapids on the Kaministiquia River, as in the said section provided, and has further determined and fixed at 4,000 cubic feet per minute the minimum quantity of water which shall at all times flow over Kakabeka Falls on the said river; and whereas as the said Edward Spencer Jenison is by the said Act and the said award authorized and empowered to divert from the channel of the said river such part of the waters thereof as may from time to time exceed the said quantity, and if the waters to be so diverted are conducted to a point in the Township of McIntyre, in the District of Thunder Bay, near the Towns of Port Arthur and Fort William, they can there be economically utilized to provide a gravitation system of water supply for the said towns and can by means of the greater head there obtainable be also utilized to greater advantage for the pro-

duction of power; and whereas the said Edward Spencer Jenison by his petition has prayed that an Act may be passed to enable him to carry out the work, and to enable him and the corporations of the said towns to enter into the agreements hereinafter mentioned; and whereas by-laws authorizing the corporations of the said towns to enter into agreements to take and utilize part of the said water and power supply have been read a first and second time and received the assent of the majority of the ratepayers of the said towns who voted thereon on the 2nd day of January, 1899, and the by-law of the town of Fort William entitled "A by-law respecting waterworks, electric lighting and power and other services for municipal purposes" and numbered 195 was read a third time and finally passed on the day of January, 1899, and the by-law of the corporation of the town of Port Arthur entitled "A by-law respecting waterworks, electric lighting and power and other services for municipal purposes" and numbered 526 was read a third time and finally passed on the day of January, 1899, and in order to remove all doubts as to the validity of the said by-laws and agreements it is expedient to confirm the same and the corporations of the said towns approve of the said petition, and it will conduce to the public good and is proper and just under all the circumstances of the case to grant the prayer of the said petition;

Now, therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Incorporation
of provisions
of R.S.O. c.
106 with this
Act.

1. The powers conferred upon the said Edward Spencer Jenison by the said Act (Chapter 106, 60 Victoria) for the purposes therein set forth are hereby extended to and made applicable to the works hereinafter set forth, and the several clauses of the said Act conferring such powers are hereby incorporated with and made part of this Act, except only in so far as they may be inconsistent with the express enactments hereof.

Authority to
divert waters
of the river
into canal.

2. It shall be lawful for the said Edward Spencer Jenison and he is hereby authorized and empowered, to convey and conduct such part of the waters of the Kaministiqui River as may from time to time exceed four thousand cubic feet per minute, from the channel of the said river opposite to the westerly part of lot number 19 in the second concession of the township of Oliver, through the townships of Oliver, Paipoonge, Neebing, and McIntyre, and the towns of Port Arthur and Fort William to Thunder Bay, Lake Superior, by means of a trench, canal, pipes, conduits, channels, reservoirs and raceways, and for the purpose of so doing to make and construct the requisite works across, under and over any railway, tramway, stream, water-course or highway which it may be necessary to intersect or

touch, and through, over, under and across any lands of which he may from time to time be the owner or which he may from time to time acquire from the owners thereof, and through, over, under and across such lands as he may be
 5 authorized to take, acquire, hold and use in the manner herein-after set forth.

3. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to intercept and divert into the said canal, trench, pipes, conduits,
 10 channel, reservoirs and raceways any and all streams and watercourses that may be crossed by the said canal, trench, pipes, conduits, channels, reservoirs and raceways; provided, however, that after so doing he shall at all times permit and allow to flow from the said canal, trench, pipes, conduits,
 15 channels, reservoirs and raceways into the present natural channels of such intercepted streams and watercourses an amount of water that shall not be less than their present flow in seasons of low water.

Authority to divert waters of streams that canal crosses.

4. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered to make
 20 and maintain dams and embankments, and to construct and maintain storage ponds and reservoirs and settling basins along the line of the said proposed canal, trench, pipes, conduits, channel and raceways, and to enlarge by widening and
 25 deepening the channels of any existing streams along the line of said tail races, and generally to construct, maintain and operate all the works mentioned in the agreements contained in Schedules A and B to this Act and necessary to carry out and comply with the terms and provisions thereof.

Authority to make dams.

30 5. It shall be lawful for the said Edward Spencer Jenison and he is hereby authorized and empowered, from time to time, to enter upon, take possession of, acquire, hold and use such lands in the said townships and towns as may be necessary for the reasonable and economical construction,
 35 maintenance and operation of the said canal, trench, pipes, conduits, channels, raceways, ponds, reservoirs, basins, and other works whether as a site for the said works or any of them or for the purpose of obtaining therefrom stone, gravel, earth, sand and other materials required for the construction
 40 and maintenance of any of the said works; but the said Edward Spencer Jenison shall make full compensation for all lands so taken without the consent of the owners and the damages incidental to the taking thereof.

Authority to expropriate lands.

6. The compensation to be paid as aforesaid shall be
 45 ascertained and determined in the manner provided by section 20 of *The Railway Act of Ontario*, all the provisions of which section are hereby incorporated with and made part of this

Manner of ascertaining compensation. R.S.O. c. 207.

Act; and the said Edward Spencer Jenison shall have the right for the purpose of constructing, maintaining and operating the said works to exercise the powers conferred by the said section 20 upon any railway company to which the provisions of the said section may be applicable, and he shall be subject to all the liabilities imposed by the said section upon any such company and generally the several sub-sections of the said section 20 shall be read as part of this Act with the several amendments necessary to make the same applicable to the said Edward Spencer Jenison and the said works instead of to a railway company or its railway.

By-law confirmed.

7. The said by-law of the corporation of the town of Fort William entitled "A by-law respecting waterworks, electric lighting and power and other services for municipal purposes," and being By-law No. 195 (as set forth in Schedule A hereto), is hereby legalized and confirmed; and the council of the said corporation is hereby declared to have had full power and authority to enter into the agreement in the said by-law referred to (and contained in the said Schedule A hereto); and the said agreement shall be valid and binding in all respects upon the parties thereto and upon all other parties interested therein, notwithstanding anything to the contrary in the Municipal Acts contained.

R.S.O. c. 223.

By-law confirmed.

8. The said by-law of the corporation of the town of Port Arthur entitled "A by-law respecting waterworks, electric lighting and power and other services of municipal purposes," and being By-law No. 526 (as set forth in Schedule B hereto), is hereby legalized and confirmed, and the council of the said corporation is hereby declared to have had full power and authority to enter into the agreement in the said by-law referred to (and contained in the said Schedule B hereto); and the said agreement shall be valid and binding in all respects upon the parties thereto and upon all other parties interested therein, notwithstanding anything to the contrary in the Municipal Acts contained.

R.S.O. c. 223.

Time for commencement and completion.

9. The construction of the said works shall be commenced within a period of six months from the passing of this Act and the completion of all the necessary titles, and shall be completed within three years from the time fixed as aforesaid for commencement or within such further time as may be granted by the Lieutenant-Governor in Council, so as to have ready and available for use hydraulic capacity for at least ten thousand horse power.

SCHEDULE A.

TOWN OF FORT WILLIAM.—No. 195.

A By-law Respecting Waterworks, Electric Lighting and Power and Other Services for Municipal Purposes.

The council of the corporation of the Town of Fort William enacts as follows :

1. The mayor and clerk are authorized and empowered on behalf of this corporation to execute the agreement between the corporation of the Town of Fort William and Edward Spencer Jenison, a draft of which is hereunto attached, marked as 'Schedule A' to this by-law, and which schedule is made a part of this by-law to be read herewith, after the same shall have received the assent of the electors and ratepayers as required by law.

2: The votes of the electors, being the qualified ratepayers of the Town of Fort William entitled to vote upon this by-law, will be taken on this by-law by the clerk of the corporation of the Town of Fort William, the returning officer in that behalf, by and through the several deputy returning officers hereinafter named, on Monday, the second day of January, A.D. 1899, commencing at nine o'clock in the morning when the poll shall be opened, and continuing until five o'clock in the afternoon of that day and no longer, at the several under mentioned places in the Town of Fort William, namely :

In the First Ward—At J. W. Robertson's house at the corner of Mc-Tavish and McGillivray streets, by Mr. J. W. Robertson, of Fort William, as deputy returning officer for that ward.

In the Second Ward—At the Town Hall, corner of Donald and Brodie streets, by Mr. J. J. Wells, of Fort William, as deputy returning officer for that ward.

In the Third Ward—At S. Steven's photograph gallery corner of Ridgeway street and Syndicate avenue, by Mr. John McNee, of Fort William, as deputy returning officer for that ward.

In the Fourth Ward—At the Court House, West Fort William, by Mr. A. H. Wilson, of Fort William, as deputy returning officer for that ward.

On Saturday, the 31st day of December, A.D. 1898, at his office in the Council Council, on Donald street, in Fort William, at eleven o'clock in the forenoon, the mayor shall in writing signed by him appoint two persons to attend at the final summing up of the votes by the clerk of this corporation and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

The said clerk shall attend at the Council Chamber on Donald street at Fort William at noon on Tuesday, the 3rd day of January, 1899, to sum up the number of votes given for and against this by-law, and at the same time and place in the presence of the persons authorized to attend or of such of them as may be present shall then and there declare the results and forthwith certify to the council of this municipality under his hand whether the majority being duly qualified ratepayers in that behalf voting upon this by-law have approved or disapproved thereof.

15th day of November, 1898.

(Sgd.)	C. W. JARVIS,	Mayor,
(Sgd.)	E. S. RUTLEDGE,	Clerk.

AGREEMENT made in duplicate this _____ day of _____

A.D. 1899, between the Corporation of the Town of Port William, hereinafter called the corporation of the first part; and Edward Spencer Jenison, of the City of Chicago, in the State of Illinois, one of the United States of America, engineer, hereinafter called the contractor, of the second part.

Whereas the contractor has acquired certain powers and rights in connection with the waters of the Kaministiquia River and other waters in the District of Thunder Bay, and the corporation desires to enter into this agreement for the purposes hereinafter set forth.

Now, therefore, it is witnessed that the corporation and the contractor do hereby mutually agree and covenant with each other as follows, that is to say :

1. The contractor shall and will, subject to the conditions hereinafter mentioned, within three years from the first day of January, 1899, construct and complete, or cause to be constructed and completed, the works necessary to furnish and supply to the corporation a water supply sufficient and ample in all respects to meet the requirements of the corporation from time to time for all municipal and domestic purposes, and to supply seven hundred and fifty (750) horse power of electric power or energy to operate the lighting and heating systems owned and operated by the corporation (including both alternating and direct currents suited to the lighting systems now in use or that may hereafter be in use in the said town) and for the other purposes hereinafter set forth ; and further, the contractor shall within the said period provide a water supply on the high lands adjacent to the said Town of Fort William sufficient to produce ten thousand horse power.

2. The said water supply shall be drawn from the Kaministiquia river at a point above the falls known as Kakabeka Falls, and from the streams and creeks between the said points and the town of Fort William, and shall be free from such impurities as will unfit it for domestic use according to the certificate of the analyst of the Dominion Government, and the said water supply, as well as the electric current for the said seven hundred and fifty horse power, shall be delivered and supplied to the corporation at the northwest corner of Lot Number Five in the Fourth Concession in the township of Neebing (now part of the said town of Fort William.)

3. The water to be so supplied now or at any future time shall be delivered in such a manner that it shall have a head of not less than two hundred and fifty to three hundred feet above the level of Lake Superior available for use, and shall be delivered to the point above named through a pipe one size larger than the corporation uses to take the water away therefrom.

4. The quantity of the said water supply is not, except upon the terms and conditions hereinafter set forth, to exceed two hundred and fifty millions (250,000,000) of gallons per year, and the electric power or energy to be supplied as aforesaid is not, except upon the terms and conditions hereinafter set forth, to exceed seven hundred and fifty (750) horse power.

5. The corporation shall have the right to make use of the water to be so supplied as aforesaid as well as of the additional quantity to be supplied on the terms and conditions hereinafter contained for all the said municipal and domestic purposes, which are hereby declared to include the furnishing of a water supply to any railway company doing business in the said town of Fort William; provided, however, and it is hereby expressly stipulated and agreed, that the corporation shall not take, and the contractor shall not be bound to supply or deliver, any water to be used by the corporation for the purpose of making power or energy of any kind for any purpose, or any water to be sold, disposed of, furnished

or delivered to customers or consumers for use in the manufacture of power or energy of any kind or for any other hydraulic or manufacturing purpose.

6. The corporation shall have the right to make use of the said seven hundred and fifty horse power of electric power or energy as well as of the additional power or energy to be supplied on the terms and conditions hereinafter contained during the whole twenty-four hours of every day for all municipal purposes for which such power or energy may be required by the corporation, including the operation of the lighting and heating systems owned by it so long as the same shall continue to be owned by the corporation, but no longer; and it is hereby expressly stipulated and agreed that the corporation shall not take, and the contractor shall not be bound to supply or deliver, any electric power or energy to be used by the corporation for any other purpose than those hereinbefore mentioned, except as set forth in paragraph number seven (7) of this agreement.

7. During a term of five years commencing from the completion of the said works, but no longer, the corporation shall have the right to sell, lease or otherwise dispose of to consumers or customers other than the Canadian Pacific Railway Company, within the said town of Fort William, any surplus power or energy supplied to it as aforesaid, over and above that which may be required by the corporation to properly and efficiently operate its electric lighting and heating systems and fully supply the demands and requirements of the public in respect thereof; and further, after the expiration of the said term of five years, when the right of the corporation to sell, lease or otherwise dispose of surplus power or energy as aforesaid shall have ceased, the corporation shall have the right from time to time to alter the respective quantities of water and of electric power or energy to be supplied to it as aforesaid by exchanging the surplus water, to which it may from time to time be entitled as aforesaid, over and above its requirements, for electric power or energy, or by exchanging for water the surplus electric power or energy to which it may from time to time be entitled as aforesaid, over and above its said requirements; and such exchanges, if any, shall be effected on the basis of each single horse power of electric power or energy being equal in value to one million gallons of water; provided, however, that before effecting any such exchange, the corporation shall give to the contractor twenty days' notice in writing of its desire to do so and of the respective amounts of water and of power or energy required by it, and that such notice shall be binding and conclusive as to the respective amounts of water and of power or energy to be thereafter delivered.

8. Before the completion of the said works the contractor shall give to the corporation notice in writing specifying the date at which he expects to have the same completed and ready for occupation, and such notice, if given between the first day of November in any year and the first day of May next ensuing, shall be for a period of six months commencing from such first day of May, and if given between the first day of May in any year and the first day of November next ensuing, it shall be for a period of twelve months commencing from the said first day of November, but no penalty or damages shall be recoverable from the contractor for failure to complete the said works according to or at the time named in such notice, and the parties hereto may by mutual agreement change and alter the stipulations and agreements contained in this paragraph as to such notice.

9. Upon the completion of the works necessary to provide the said water and power supply, and from and after the date of such completion, and yearly and every year thereafter during the currency of this agreement, the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, the sum of ten thousand dollars (\$10,000) per year in four equal quarterly payments of two thousand five hundred dollars

(\$2,500) each, the first of which shall become due and be paid at the expiration of three months from the completion of the said works and the completion of the term of notice to the corporation hereinbefore provided for, and the subsequent payments of which shall become due and be paid at the expiration of each and every period of three months next ensuing after the date fixed as aforesaid for the said first payment; provided, however, that if after making due efforts the corporation shall upon the completion of said works be unable to receive the said water and power supply then the corporation shall not until it shall be in a position to receive the same be called upon to commence making the said payments before the expiration of the time within which the contractor is hereby bound as aforesaid to complete his said works.

10. The contractor shall furnish and deliver to the corporation from time to time all the water required by it for the purposes for which water is to be supplied to it as aforesaid, over and above the said quantity of two hundred and fifty millions of gallons per year, and also all the electric power or energy required to operate its electric lighting and heating systems and for all the other purposes hereinbefore mentioned over and above the said seven hundred and fifty horse power to the full extent of the capacity of the works which the contractor is now, or shall hereafter be, authorized and empowered to construct and shall from time to time and at all times, upon receipt of proper and reasonable notice of the corporation's increased requirements of water or electric power or energy, and so far as he is authorized to do so, construct the works necessary to meet such additional requirements, and the corporation shall have the right from time to time and at all times to take and use the water and electric power or energy required by it for any of the purposes for which water and electric power or energy are to be supplied to it as aforesaid, to the full extent of the capacity of the contractor's works, provided, however, that the agreements and stipulations contained in this paragraph shall be subject to the terms and conditions set forth in paragraphs number eleven (11) twelve (12) and thirteen (13) of this agreement.

11. When and as often as the quantity of water supplied and delivered to the corporation as aforesaid shall exceed sixty-two million five hundred thousand (62,500,000) gallons for any of the said periods of three months, the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, one cent for each one thousand gallons of such excess, and the same shall become due and be paid quarterly on the second of the said quarter days next ensuing after the completion of the period of three months during which such excess may occur; provided, however, that if at the end of any year (to be reckoned from the date of the completion of the said works as aforesaid or some date to be mutually agreed upon between the parties hereto) the amount of water supplied during such year to the corporation shall not have exceeded two hundred and fifty millions of gallons altogether, the corporation shall have the right to deduct from the last of its payments for such year any sum or sums which it may have already paid for water supplied to it in any three months of such year in excess of sixty-two million five hundred thousand (62,500,000) gallons.

12. When and as often as the amount of electric power or energy supplied and delivered to and taken by the corporation as aforesaid shall exceed seven hundred and fifty horse power, the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, the sum of twenty-five (\$25 00) dollars per year for each horse power of such excess, and the same shall become due and be paid quarterly on the second of the said quarter days next ensuing after the completion of the period of three months during which such excess may occur.

13. The Contractor shall not be obliged or compelled, notwithstanding anything contained in paragraph number ten (10) hereof, to supply or deliver to the corporation any quantity of water in excess of the said quantity of two hundred and fifty millions of gallons per year, or any

amount of electric power, or energy in excess of seven hundred and fifty horse power, except to the extent to which the contractor can supply and deliver such excess, after supplying and delivering to other customers or consumers with whom he may from time to time have contracts or agreements, the water or power required by them under such contracts or agreements for manufacturing, hydraulic or other purposes for which the contractors shall have authority to supply or deliver water or power or energy, but the contractor shall not at any time after the receipt of notice of the corporation's increased requirements of water or power, as provided in paragraph number ten (10) hereof, make or enter into any new contract or agreement with any consumer or customer for the supply or delivery of either water or power, if the fulfilment of such contract or agreement may prevent the contractor from supplying and delivering to the corporation the additional amounts of water or power required by it under paragraph number ten (10) hereof.

14. Should the payments or any part of the payments to be made under this agreement remain overdue and unpaid for a period of ninety (90) days from the days and times on which they shall respectively become due and payable, the contractor shall thereupon be at liberty to shut off the supply of water and electric power or energy contemplated by this agreement and cease to supply and deliver any water or electric power or energy or either of them to the Corporation until all moneys due under this agreement shall have been fully paid and satisfied.

15. The contractor shall be considered to have supplied to the corporation, and the corporation shall be considered to have supplied to customers or consumers, electric power or energy to the full capacity of any motor or other appliance or set of appliances with which either the contractor or the corporation may connect a conductor of electric power or energy when and so long as the electric current supplied to such conductor is of sufficient capacity to operate such motor or other appliance or set of appliances, whether the same be used during only part or the whole of the time thereafter, but no extra charge for power shall be made to the corporation until the gross amount of electric power or energy supplied to the different motors or other appliances of the corporation or its customers or consumers shall exceed seven hundred and fifty horse power.

16. The contractor shall have the right to sell, lease or otherwise dispose of and to deliver water derived from the sources above named for manufacturing or hydraulic purposes of all kinds, and for all other purposes for which water is not to be supplied to the corporation as aforesaid within the limits of the said Town of Fort William, and also to sell, lease or otherwise dispose of and to deliver mechanical, electrical and hydraulic power and energy, electricity, compressed air, and power and energy in any other more condensed form derived from the sources above named that may from time to time be in use, and for the purpose of so doing to convey and conduct such water, mechanical, electrical and hydraulic power and energy, electricity, compressed air, and power and energy in any other more condensed form by three separate routes in as direct a manner as practicable, through, along, under and over the streets, highways and public places of the corporation on such routes and no others unless mutually agreed upon, by means of pipes, mains, wires, poles and conduits and other approved methods that may from time to time be in use for such purposes; provided, however, that in so doing the contractor shall interfere as little as possible with the existing pavements, sewers, water-mains, pipes and wire and pole lines of the corporation, and shall construct and operate the said works in a proper and workmanlike manner and under competent supervision and in such a way as to interfere with and interrupt as little as possible the public use of such streets, highways and public places; and provided further that the contractors shall give to the corporation twenty days' notice in writing before entering upon any of the streets, highways or public places of the corporation for the purpose of constructing any of the said works, and that the said works shall be constructed in a manner approved of by the Town

Engineer as least calculated to interfere with the public use of such streets, highways and public places, and that upon the completion of any of the said works, the said streets, highways and public places, shall be restored as nearly as possible to their original condition to the satisfaction of the said Town Engineer; and provided also that the contractor shall indemnify and save harmless the corporation from all damages properly recoverable against it by reason of anything done by the contractor under the provisions of this paragraph.

17. Should the corporation at any time do away with all its wires and pole lines either throughout the whole of the said town or throughout any particular areas or sections of it in which the congestion of business or traffic may make such a course necessary, the contractor shall also upon receipt of reasonable notice, remove his wire and pole lines from above the surface of the said streets, highways and public places within the same areas or sections.

18. The works to be constructed by the contractor under this agreement (including those mentioned in paragraph 16 hereof) and all the property whether real or personal, used or occupied in connection therewith, shall during the currency of this agreement be exempt from all taxes and assessments of every kind except only school taxes, and local improvement rates.

19. This agreement shall remain in force until the first day of January, 1932.

20. This agreement and all the terms and provisions hereof shall be in all respects binding upon, and shall enure to the benefit of the heirs, executors, administrators and assigns of the contractor and the successors and assigns of the corporation, and the contractor shall have the right at any time to sell, lease, assign, transfer and set over this agreement and all his rights, powers and privileges hereunder to any company or corporation that may be formed for the purpose of carrying out the undertaking or works contemplated by this agreement or any part of such undertaking or works, and upon notification to the corporation of such assignment or transfer this agreement and all the rights, powers and privileges hereby granted to the contractor shall at once become vested in and exercisable by the said company or corporation to be formed as aforesaid in the same way to all intents and purposes and to the same extent as if the name of such company or corporation were substituted for that of the contractor in this agreement.

21. Time shall be of the essence of this agreement, and this agreement shall be altogether null and void if the contractor shall not within three years from the first day of January, 1899, have completed the works specified in paragraph number one (1) hereof.

In witness whereof the seal of the corporation under the hands of its mayor and clerk has been hereunto affixed and the contractor has hereunto set his hand and seal.

Signed, sealed and delivered in the presence of

SCHEDULE B.

TOWN OF PORT ARTHUR.—No. 526.

A by-law respecting waterworks, electric lighting and power and other services for municipal purposes.

The council of the corporation of the town of Port Arthur enacts as follows :—

1. The mayor is empowered on behalf of this corporation to execute the contract between the corporation of the town of Port Arthur and Edward Spencer Jenison, a draft of which is hereto attached, marked as Schedule "A" to this by-law, and which schedule is made a part of this by-law to read therewith after the same shall have received the assent of the electors and ratepayers as required by law.

2. The votes of the electors, being the qualified ratepayers of the town of Port Arthur entitled to vote upon this by-law, will be taken on this by-law by the clerk of the corporation of the town of Port Arthur, the returning officer in that behalf, by and through the several deputy returning officers hereinafter named, on Monday the second day of January, A.D. 1899, commencing at nine o'clock in the morning, when the poll shall be opened, and continuing open until five o'clock in the afternoon of that day and no longer, at the several undermentioned places in the town of Port Arthur, namely :—

In the first ward, at the council chamber on Park street in the said town, by Mr. Neil McDougall of Port Arthur as deputy returning officer for that ward.

In the second ward, at lot 5, west side of Cumberland street, by Mr. W. A. McCallum of Port Arthur as deputy returning officer for that ward, and

In the third ward, at the Continental Hotel building on Cumberland street in the said town, by Mr. John Munro of Port Arthur as deputy returning officer for that ward.

3. On Friday the 30th day of December, A.D. 1898, at his office in the council chamber on Park street in Port Arthur, at eleven o'clock in the forenoon, the mayor shall in writing signed by him appoint two persons to attend at the final summing up of the votes by the clerk of this corporation and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

4. The said clerk shall attend at the council chamber on Park street at Port Arthur at noon on Wednesday the 4th day of January, 1899, to sum up the number of votes given for and against this by-law, and at the same time and place, in the presence of the persons authorized to attend, or such of them as may be present, and then and there declare the result and forthwith certify to the council of this municipality under his hand whether the majority of the electors, being the duly qualified ratepayers in that behalf voting upon this by-law, have approved or disapproved thereof.

Council Chamber, Port Arthur, 25th day of January, 1899.

GEORGE T. MARKS,
Mayor.
J. McTEIGUE,
Clerk.

AGREEMENT made in duplicate this day of A.D., 1899,
 between the corporation of the Town of Port Arthur, hereinafter
 called the corporation, of the first part, and Edward Spencer Jenison,
 of the City of Chicago, in the State of Illinois, one of the United
 States of America, engineer, hereinafter called the contractor, of the
 second part.

Whereas the contractor has acquired certain powers and rights in connection with the waters of the Kaministiquia River, and other waters in the district of Thunder Bay, and the corporation desires to enter into this agreement for the purposes hereinafter set forth:

Now, therefore, it is witnessed that the corporation and the contractor do hereby mutually agree and covenant with each other as follows, that is to say:

1. The contractor shall and will, subject to the conditions hereinafter mentioned, within three years from the first day of January, 1899, construct and complete, or cause to be constructed and completed, the works necessary to furnish and supply to the corporation a water supply sufficient and ample in all respects to meet the requirements of the corporation from time to time for all municipal and domestic purposes, and to supply seven hundred and fifty (750) horse power of electric power or energy to operate the electric railway, lighting and heating systems owned and operated by the corporation and for the other purposes hereinafter set forth, and further, the contractor shall, within the said period, provide a water supply on the high lands adjacent to the said town of Port Arthur sufficient to produce ten thousand horse power.

2. The said water supply shall be drawn from the Kaministiquia River at a point above the falls known as Kakabeka Falls, and from the streams and creeks between the said point and the Town of Port Arthur, and shall be free from such impurities as will unfit it for domestic use, according to the certificate of the analyst of the Dominion Government, and the said water supply as well as the electric current of the said seven hundred and fifty (750) horse power, shall be delivered and supplied to the corporation at any point or points east of the McIntyre River, and within a distance of two miles from the intersection of Cumberland and Arthur streets in the said town, to be selected by the contractor.

3. The water to be supplied now or at any future time shall be delivered in such a manner that it will have a head of not less than from two hundred and fifty to three hundred feet above the level of Lake Superior available for use, and shall be delivered to the points above named through a pipe one size larger than the corporation uses to take the water away therefrom.

4. The quantity of the said water supply is not, except upon the terms and conditions hereinafter set forth, to exceed two hundred and fifty millions (250,000,000) of gallons per year, and the electric power or energy to be supplied as aforesaid, is not, except upon the terms and conditions hereinafter set forth, to exceed seven hundred and fifty (750) horse power.

5. The corporation shall have the right to make use of the water to be so supplied as aforesaid, as well as of the additional quantity to be supplied on the terms and conditions hereinafter contained, for all the said municipal and domestic purposes, which are hereby declared to include the furnishing of a water supply to any railway company doing business in the said Town of Port Arthur, provided, however, and it is hereby expressly stipulated and agreed, that the corporation shall not take and the contractor shall not be bound to supply or deliver, any water to be used by the corporation for the purpose of making power or energy of any kind for any purpose, or any water to be sold, disposed of, furnished or delivered to customers or consumers, for use in the manufacture of power or energy of any kind, or for any other hydraulic or manufacturing purpose.

6. The corporation shall have the right to make use of the said seven hundred and fifty (750) horse power of electric power or energy as well as of the additional power or energy to be supplied on the terms and conditions hereinafter contained, during the whole twenty-four hours of every day for all municipal purposes for which such power or energy may be required by the corporation, including the operation of the electric railway, lighting and heating systems owned and operated by it, so long as the same shall continue to be owned and operated by the corporation, but no longer; and it is hereby expressly stipulated and agreed that the corporation shall not take, and the contractor shall not be bound to supply or deliver, any electric power or energy to be used by the corporation for any other purpose than those hereinbefore mentioned, except as set forth in paragraph number seven (7) of this agreement.

7. During a term of five years, commencing from the completion of the said works, but no longer, the corporation shall have the right to sell, lease, or otherwise dispose of to consumers, or customers within the said Town of Port Arthur, any surplus electric power or energy supplied to it as aforesaid over and above that which may be required by the corporation to properly and efficiently operate its electric railway, lighting and heating systems and fully supply the demands and requirements of the public in respect thereof, and further, after the expiration of the said term of five years, when the right of the corporation to sell, lease, or otherwise dispose of surplus power or energy, as aforesaid, shall have ceased, the corporation shall have the right from time to time to alter the respective quantities of water and of electric power or energy to be supplied to it as aforesaid, by exchanging the surplus water to which it may be entitled as aforesaid over and above its requirements, for electric power or energy, or by exchanging for water the surplus electric power or energy to which it may from time to time be entitled as aforesaid over and above its said requirements, and such exchanges, if any, shall be effected on the basis of each single horsepower of electric power or energy being equal in value to one million gallons of water, provided, however, that before effecting any such exchange the corporation shall give to the contractor twenty days' notice in writing of its desire to do so, and of the respective amounts of water and of power or energy required by it, and that such notice shall be binding and conclusive as to the respective amounts of water and of power or energy to be thereafter delivered.

8. Before the completion of the said works the contractor shall give to the corporation notice in writing specifying the date at which he expects to have the same completed and ready for operation, and such notice, if given between the first day of November in any year and the first day of May next ensuing, shall be for a period of six months commencing from such first day of May, and if given between the first day of May in any year and the first day of November next ensuing, it shall be for a period of twelve months, commencing from the said first day of November, but no penalty or damages shall be recoverable from the contractor for failure to complete the said works according to or at the time named in such notice, and the parties hereto may by mutual agreement change and alter the stipulations and agreements contained in this paragraph as to such notice.

9. Upon the completion of the works necessary to provide the said water and power supply, and from and after the date of such completion, and yearly and every year thereafter during the currency of this agreement the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, the sum of ten thousand (\$10,000) dollars per year, in four equal quarterly payments of two thousand five hundred (\$2,500) dollars each, the first of which shall become due and be paid at the expiration of three months from the completion of the said works and the completion of the term of notice to the corporation hereinbefore provided for, and the subsequent payments of which shall become due and be paid at the expiration of each and every period of three months next ensuing after the date fixed as aforesaid for the said first payment; pro-

vided, however, that if after making due efforts the corporation shall upon the completion of the said works be unable to receive the said water and power supply then the corporation shall not until it shall be in a position to receive the same be called upon to commence making the said payments before the expiration of the time within which the contractor is hereby bound as aforesaid to complete his said works.

10. The contractor shall furnish and deliver to the corporation from time to time all the water required by it for the purposes for which water is to be supplied to it as aforesaid over and above the said quantity of two hundred and fifty millions of gallons per year and also all the electric power or energy required by it to operate its electric railway, lighting and heating systems and for all other purposes hereinbefore mentioned over and above the said seven hundred and fifty horse power, to the full extent of the capacity of the works which the contractor is now, or shall hereafter be, authorized and empowered to construct, and shall from time to time and at all times, upon receipt of proper and reasonable notice of the corporation's increased requirements of water or electric power or energy, and so far as he is authorized to do so, construct the works necessary to meet such additional requirements, and the corporation shall have the right from time to time and at all times to take and use the water and electric power or energy required by it for any of the purposes for which water and electric power or energy are to be supplied to it as aforesaid, to the full extent of the capacity of the contractor's works, provided, however, that the agreements and stipulations contained in this paragraph shall be subject to the terms and conditions set forth in paragraphs number eleven (11), twelve (12) and thirteen (13) of this agreement.

11. When and as often as the quantity of water supplied and delivered to the corporation as aforesaid shall exceed sixty-two million, five hundred thousand (26 500,000) of gallons for any of the said periods of three months, the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, one cent for each one thousand gallons of such excess and the same shall become due and be paid quarterly on the second of the said quarter days next ensuing after the completion of the period of three months during which such excess may occur; provided, however, that if at the end of any year (to be reckoned from the date of the completion of the said works as aforesaid or some date to be mutually agreed upon between the parties hereto) the amount of water supplied during such year to the corporation shall not have exceeded two hundred and fifty millions of gallons altogether, the corporation shall have the right to deduct from the last of its payments for such year any sum or sums which it may have already paid for water supplied to it in any three months of such year in excess of sixty-two million five hundred thousand (62,000,000) gallons.

12. When and as often as the amount of electric power or energy supplied and delivered to and taken by the corporation as aforesaid shall exceed seven hundred and fifty horse power the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, the sum of twenty-five dollars (\$25.00) per year for each horse power of such excess, and the same shall become due and be paid quarterly on the second of the said quarter days next ensuing after the completion of the period of three months during which such excess may occur.

13. The contractor shall not be obliged or compelled, notwithstanding anything contained in paragraph number ten (10) hereof, to supply or deliver to the corporation any quantity of water in excess of the said quantity of two hundred and fifty millions of gallons per year or any amount of electric power or energy in excess of seven hundred and fifty horse power, except to the extent to which the contractor can supply and deliver such excess, after supplying and delivering to other customers or consumers with whom he may from time to time have contracts or agreements, the water or power required by them under such contracts or agreements for manufacturing, hydraulic or other purposes for which the

contractor, shall have authority to supply or deliver water or power or energy, but the contractor shall not at any time after the receipt of notice of the corporation's increased requirements of water or power, as provided in paragraph number ten (10) hereof, make or enter into any new contract or agreement with any consumer or customer for the supply or delivery of either water or power, if the fulfillment of such contract or agreement may prevent the contractor from supplying and delivering to the corporation the additional amounts of water or power required by it under paragraph number ten (10) hereof.

14. Should the payments or any part of the payments to be made under this agreement remain overdue and unpaid for a period of thirty (30) days from the days and times on which they shall respectively become due and payable, the contractor shall thereupon be at liberty to shut off the supply of water and electric power or energy contemplated by this agreement and cease to supply or deliver any water or electric power or energy or either of them to the corporation until all monies due under this agreement shall have been fully paid and satisfied.

15. The contractor shall be considered to have supplied to the corporation, and the corporation shall be considered to have supplied to customers or consumers, electric power or energy to the full capacity of any motor or other appliance or set of appliances with which either the contractor or the corporation may connect a conductor of electric power or energy when and so long as the electric current supplied to such conductor is of sufficient capacity to operate such motor or other appliance, or set of appliances, whether the same be used during only part or the whole of the time thereafter, but no extra charge for power shall be made to the corporation until the gross amount of electric power or energy supplied to the different motors or other appliances of the corporation or its customers or consumers shall exceed seven hundred and fifty horse power.

16. The contractor shall have the right to sell, lease or otherwise dispose of and to deliver water derived from the sources above named for manufacturing and hydraulic purposes of all kinds, and for all other purposes for which water is not to be supplied to the corporation as aforesaid, within the limits of the said Town of Port Arthur and also to sell, lease or otherwise dispose of and to deliver mechanical, electrical and hydraulic power and energy, electricity, compressed air, and power and energy in any other more condensed form derived from the sources above named that may from time to time be in use, and for the purposes of so doing to convey and conduct such water, mechanical, electrical and hydraulic power and energy, electricity, compressed air and power and energy in any other more condensed form through, along, under and over the streets, highways and public places of the corporation, by means of pipes, mains, wires, poles and conduits, and other approved methods that may from time to time be in use for such purposes; provided, however, that in so doing the contractor shall interfere as little as reasonably may be with the existing pavements, sewers, water-mains, pipes and wire and pole lines of the corporation, and shall construct and operate the said works in a proper and workmanlike manner and under competent supervision and in such a way as to interfere with and interrupt as little as possible the public use of such streets, highways and public places; and provided further that the contractor shall give to the corporation twenty days' notice in writing before entering upon any of the streets, highways or public places of the corporation for the purpose of constructing any of the said works and that the said works shall be constructed in the manner approved of by a civil engineer to be named by the corporation as least calculated to interfere with the public use of such streets, highways and public places, and that upon the completion of any of the said works the said streets, highways and public places shall be restored as nearly as possible to their original condition to the satisfaction of the said civil engineer and provided also that the contractor shall indemnify and save harmless the corporation from all damages properly recoverable against it by reason of anything done by the contractor under the provisions of this paragraph.

17. Should the corporation at any time do away with all its wire and pole lines either throughout the whole of the said town or throughout any particular areas or sections of it in which the congestion of business or traffic may make such a course necessary, the contractor shall also upon receipt of reasonable notice remove his wire and pole lines from above the surface of the said streets, highways and public places within the same areas or sections.

18. The works to be constructed by the contractor under this agreement (including those mentioned in paragraph 16 hereof) and all the property whether real or personal used or occupied in connection therewith shall during the currency of this agreement be exempt from all taxes and assessments of every kind except only school taxes and local improvement rates.

19. This agreement shall remain in force until the first day of January, 1932.

20. This agreement and all the terms and provisions hereof shall be in all respects binding upon, and shall enure to the benefit of the heirs, executors, administrators and assigns of the contractor and the successors and assigns of the corporation, and the contractor shall have the right at any time to sell, lease, assign, transfer and set over this agreement and all his rights, powers and privileges hereunder to any company or corporation that may be formed for the purpose of carrying out the undertaking or works contemplated by this agreement, or any part of such undertaking or works, and upon notification to the corporation of such assignment or transfer this agreement and all the rights, powers and privileges hereby granted to the contractor shall at once become vested in and exercisable by the said company or corporation to be formed as aforesaid in the same way to all intents and purposes and to the same extent as if the name of such company or corporation were substituted for that of the contractor in this agreement.

21. The contractor shall not offer any inducements in the shape of lower prices or otherwise to consumers to locate in one municipality in preference to another.

22. Time shall be of the essence of this agreement, and this agreement shall be altogether null and void if the contractor shall not within three years from the first day of January, 1899, have completed the works specified in paragraph number one (1) hereof.

In witness whereof the seal of the corporation under the hands of its mayor and clerk has been hereunto affixed and the contractor has hereunto set his hand and seal.

Signed, Sealed and Delivered in presence of

J. McTEIGUE,
Clerk.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend the Act to enable Edward
Spencer Jenison to develop and improve
a Water Privilege on the Kaministiquia
River and extend the provisions thereof.

First Reading. 1899.

(Private Bill.)

MR. CONNEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 38.]

BILL.

[1899.

An Act to amend the Act to enable Edward Spencer Jenison to develop and improve a Water Privilege on the Kaministiquia River and extend the provisions thereof.

WHEREAS by an Act passed in the 60th year of Her Majesty's reign and chaptered 106, certain powers were granted to Edward Spencer Jenison for the purposes and on the terms and conditions therein set forth; and whereas the said Edward Spencer Jenison by his petition has represented that pursuant to the said Act the official arbitrator for the City of Toronto has awarded and determined that power sufficient to supply the requirements mentioned in section 16 of the said Act cannot be supplied by the said Jenison by the construction of electric works at or near Ecarte Rapids on the Kaministiquia River, as in the said section provided, and has further determined and fixed at 4,000 cubic feet per minute the minimum quantity of water which shall at all times flow over Kakabeka Falls on the said river; and whereas as the said Edward Spencer Jenison is by the said Act and the said award authorized and empowered to divert from the channel of the said river such part of the waters thereof as may from time to time exceed the said quantity, and it is represented that if the waters to be so diverted are conducted to a point in the Township of McIntyre, in the District of Thunder Bay, near the Towns of Port Arthur and Fort William, they can there be economically utilized to provide a gravitation system of water supply for the said towns and can by means of the greater head there obtainable be also utilized to greater

advantage for the production of power ; and whereas the said Edward Spencer Jenison by *the said* petition has prayed that an Act may be passed to enable him to carry out the work, and to enable him and the corporations of the said towns to enter into the agreements hereinafter mentioned ; and whereas by-laws authorizing the corporations of the said towns to enter into agreements to take and utilize part of the said water and power supply have been read a first and second time and received the assent of the majority of the ratepayers of the said towns who voted thereon on the 2nd day of January, 1899, and the by-law of the town of Fort William entitled " A by-law respecting waterworks, electric lighting and power and other services for municipal purposes " and numbered 195 was read a third time and finally passed on the 17th day of January, 1899, and the by-law of the corporation of the town of Port Arthur entitled " A by-law respecting waterworks, electric lighting and power and other services for municipal purposes " and numbered 526 was read a third time and finally passed on the 25th day of January, 1899, and in order to remove all doubts as to the validity of the said by-laws and agreements it is expedient to confirm the same and the corporations of the said towns approve of the said petition, and it will conduce to the public good and is proper and just under all the circumstances of the case to grant the prayer of the said petition ;

Now, therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :

Incorporation
of provisions
of 60 Vict. c.
106 with this
Act.

1. The powers conferred upon the said Edward Spencer Jenison by the said Act (Chapter 106, 60 Victoria) for the purposes therein set forth are hereby extended to and made applicable to the works hereinafter set forth, and the several clauses of the said Act conferring such powers are hereby incorporated with and made part of this Act, except only in so far as they may be inconsistent with the express enactments hereof.

Authority to
divert waters
of the river
into canal.

2. It shall be lawful for the said Edward Spencer Jenison and he is hereby authorized and empowered, to convey and conduct such part of the waters of the Kaministiquia River as may from time exceed four thousand cubic feet per minute, from the channel of the said river opposite the westerly part of lot number 19 in the second concession of the township of Oliver, through the townships of Oliver, Paipoonge, Neebing, and McIntyre, and the towns of Port Arthur and Fort William to Thunder Bay, Lake Superior, by means of a trench, canal, pipes, conduits, channels, reservoirs and raceways, and for the purpose of so doing to make and construct the requisite works across, under and over any railway, tramway, stream, water-course or highway which it may be necessary to intersect or

touch, and through, over, under and across any lands of which he may from time to time be the owner or which he may from time to time acquire from the owners thereof, and through, over, under and across such lands as he may be authorized to take, acquire, hold and use in the manner hereinafter set forth; ^{§27} provided, however, that the provisions of this section shall be deemed to apply only so far as the jurisdiction of the Legislative Assembly of the Province of Ontario extends. ²⁸

3. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to intercept and divert into the said canal, trench, pipes, conduits, channel, reservoirs and raceways any and all streams and watercourses that may be crossed by the said canal, trench, pipes, conduits, channels, reservoirs and raceways; provided, however, that after so doing he shall at all times permit and allow to flow from the said canal, trench, pipes, conduits, channels, reservoirs and raceways into the present natural channels of such intercepted streams and watercourses an amount of water that shall not be less than their present flow in seasons of low water; ²⁹ provided, however, that in the case of any power on any intercepted stream or water course being interfered with, the owner thereof shall be entitled to compensation to be determined as hereinafter provided. ³⁰

Authority to
divert waters
of streams
that canal
crosses.

4. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered to make and maintain dams and embankments, and to construct and maintain storage ponds and reservoirs and settling basins along the line of the said proposed canal, trench, pipes, conduits, channel and raceways, and to enlarge by widening and deepening the channels of any existing streams along the line of said tail races, and generally to construct, maintain and operate all the works mentioned in the agreements contained in Schedules A and B to this Act and necessary to carry out and comply with the terms and provisions thereof.

Authority to
make dams.

5. It shall be lawful for the said Edward Spencer Jenison and he is hereby authorized and empowered, from time to time, to enter upon, take possession of, acquire, hold and use such lands in the said townships and towns as may be necessary for the reasonable and economical construction, maintenance and operation of the said canal, trench, pipes, conduits, channels, raceways, ponds, reservoirs, basins, and other works whether as a site for the said works or any of them or for the purpose of obtaining therefrom stone, gravel, earth, sand and other materials required for the construction and maintenance of any of the said works; but the said Edward Spencer Jenison shall make full compensation for all lands so taken without the consent of the owners and the damages incidental to the taking thereof; ³¹ and shall also make

Authority to
expropriate
lands.

full compensation to the owners, occupiers or other persons interested in any lands that may be injuriously affected by the exercise of any of the additional powers conferred by this Act for any damages to said lands or estate or interest therein or rights or easements affecting the same resulting from the exercise of such additional powers. ⁷²

⁷³(2) In determining the amount of the compensation for the lands of the said Jenison now located and occupied as right of way by the Ontario and Rainy River Railway Company, the same shall be ascertained and fixed on the same basis as if this Act had not been passed, and shall in no way be affected by the passing of this Act. ⁷⁴

Manner of as-
certaining
compensation.
R.S.O. c. 207.

6. The compensation to be paid as aforesaid shall be ascertained and determined in the manner provided by section 20 of *The Railway Act of Ontario*, all the provisions of which section are hereby incorporated with and made part of this Act; and the said Edward Spencer Jenison shall have the right for the purpose of constructing, maintaining and operating the said works to exercise the powers conferred by the said section 20 upon any railway company to which the provisions of the said section may be applicable, and he shall be subject to all the liabilities imposed by the said section upon any such company and generally the several sub-sections of the said section 20 shall be read as part of this Act with the several amendments necessary to make the same applicable to the said Edward Spencer Jenison and the said works instead of to a railway company or its railway.

By-law con-
firmed.

R S O c 223.

7. The said by-law of the corporation of the town of Fort William entitled "A by-law respecting waterworks, electric lighting and power and other services for municipal purposes," and being By-law No. 195 (as set forth in Schedule A hereto), is hereby legalized and confirmed; and the council of the said corporation is hereby declared to have full power and authority to enter into the agreement in the said by-law referred to and contained in the said Schedule A hereto; and the said agreement shall be valid and binding in all respects upon the parties thereto and upon all other parties interested therein, notwithstanding anything to the contrary in the Municipal Acts contained.

By-law con-
firmed.

8. The said by-law of the corporation of the town of Port Arthur entitled "A by-law respecting waterworks, electric lighting and power and other services of municipal purposes," and being By-law No. 526 (as set forth in Schedule B hereto), is hereby legalized and confirmed, and the council of the said corporation is hereby declared to have full power and authority to enter into the agreement in the said by-law referred to (and contained in the said Schedule B hereto); and the said agreement shall be valid and binding in all respects upon the parties thereto and upon all other parties interested

therein, notwithstanding anything to the contrary in the R.S.O. c. 223. Municipal Acts contained.

§9. In the event of any difference arising as to the construction of the said agreements, or as to any matter or thing to be done or performed under their terms, such difference shall be determined, if either of the said corporations so require, by arbitrators to be appointed under and as provided by the terms of *The Municipal Act*.

§10. Notwithstanding any provision contained in the said agreements, the corporations of the Town of Port Arthur and Fort William shall have the right to develop and produce electrical and other power, and may use, sell and lease the power so produced for any purposes whatsoever.

§11. The said Edward Spencer Jenison shall indemnify and save harmless the said corporations at all times from all loss, damage, costs, charges and expenses of every nature and kind whatsoever which the corporations may incur, be put to or have to pay by reason of the exercise by the said Edward Spencer Jenison of the powers conferred by this Act or by the said agreements, or any of them, or by reason of neglect by the said Edward Spencer Jenison in the execution of the said works, or any of them, or by reason of the improper or imperfect execution of the works or any of them, or by reason of the said works becoming unsafe or out of repair, or by reason of the neglect, failure or omission of the said Edward Spencer Jenison to do or permit anything herein agreed to be done or permitted, or by reason of any act, default or omission of the said Edward Spencer Jenison or otherwise howsoever, and should the corporations, or either of them, incur, pay or be put to any such loss, damage, costs, charges or expenses, the said Edward Spencer Jenison shall forthwith upon demand repay the same to the corporations.

§12. All the provisions of this Act, and of the said agreement, shall be binding upon the executors, administrators and assigns of the said Edward Spencer Jenison, and upon any bondholders, liquidator, receiver, corporation or person who may hereafter control or manage the said works, and all such persons and corporations shall at all times be bound to carry out the stipulations and provisions of this Act and of the said agreements.

§13. In the event of the said Jenison at any time ceasing to operate the said works so as to fully comply with the terms of the said agreements, then the corporations of the Town of Port Arthur and Fort William, or either of them, may, after thirty days' notice requiring the said Jenison to comply with the said agreements and his failure to, take over such of the said works and supply of water as may be necessary to fulfil all the con-

ditions of the said agreements, at a value to be determined by arbitration under the provisions of *The Municipal Act*; and in the event of any differences at any time arising between the corporations of the Town of Port Arthur and Fort William as to any matter or thing to be done in taking such proceedings, or as to the manner of dealing with or the management of the said works and supply of water so taken over such differences as they from time to time arise shall be determined by arbitration under the provisions of *The Municipal Act*, or, if the parties so agree, by the official arbitrator of the city of Toronto, whose decision shall be final and without appeal.

14. The said Edward Spencer Jenison, and his assigns and his customers and lessees shall not have the right to sell, lease or otherwise dispose of or supply electric light or water or power to generate electric light for any municipal, domestic or commercial purposes in the municipalities of Fort William and Port Arthur during the existence of this agreement.

15. Notwithstanding anything to the contrary in the agreements to the schedules to this Act contained, the only exemption from taxes in either of the municipalities of Fort William or Port Arthur shall be of the works to be constructed by the said Edward Spencer Jenison under the agreements to the schedules to this Act which are necessary for the development and distribution in the said municipalities of power and light.

Time for commencement and completion.

16. The construction of the said works shall be commenced within a period of six months from the passing of this Act and shall be completed within three years from the time fixed as aforesaid for commencement or within such further time as may be granted by the Lieutenant-Governor in Council, so as to have ready and available for use hydraulic capacity for at least ten thousand horse power.

SCHEDULE A.

TOWN OF FORT WILLIAM. No. 195.

A By-law Respecting Waterworks, Electric Lighting and Power and Other Services for Municipal Purposes.

The council of the corporation of the Town of Fort William enacts as follows:

1. The mayor and clerk are authorized and empowered on behalf of this corporation to execute the agreement between the corporation of the Town of Fort William and Edward Spencer Jenison, a draft of which is hereunto attached, marked as "Schedule A" to this by-law, and which schedule is made a part of this by-law to be read herewith, after the same shall have received the assent of the electors and ratepayers as required by law.

2. The votes of the electors, being the qualified ratepayers of the Town of Fort William entitled to vote upon this by-law, will be taken on this by-law by the clerk of the corporation of the Town of Fort William, the returning officer in that behalf, by and through the several deputy returning officers hereinafter named, on Monday, the second day of January, A.D. 1899, commencing at nine o'clock in the morning when the poll shall be opened, and continuing until five o'clock in the afternoon of that day and no longer, at the several under mentioned places in the Town of Fort William, namely :

In the First Ward—At J. W. Robertson's house at the corner of McTavish and McGillivray streets, by Mr. J. W. Robertson, of Fort William, as deputy returning officer for that ward.

In the Second Ward—At the Town Hall, corner of Donald and Brodie streets, by Mr. J. J. Wells, of Fort William, as deputy returning officer for that ward.

In the Third Ward—At S. Steven's photograph gallery, corner of Ridgeway street and Syndicate avenue, by Mr. John McNee, of Fort William, as deputy returning officer for that ward.

In the Fourth Ward—At the Court House, West Fort William, by Mr. A. H. Wilson, of Fort William, as deputy returning officer for that ward.

On Saturday, the 31st day of December, A.D. 1898, at his office in the Council Council, on Donald street, in Fort William, at eleven o'clock in the forenoon, the mayor shall in writing signed by him appoint two persons to attend at the final summing up of the votes by the clerk of this corporation and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

The said clerk shall attend at the Council Chamber on Donald street at Fort William at noon on Tuesday, the 3rd day of January, 1899, to sum up the number of votes given for and against this by-law, and at the same time and place in the presence of the persons authorized to attend or of such of them as may be present shall then and there declare the results and forthwith certify to the council of this municipality under his hand whether the majority being duly qualified ratepayers in that behalf voting upon this by-law have approved or disapproved thereof.

15th day of November, 1898.

(Sgd.) C. W. JARVIS,
Mayor,
(Sgd.) E. S. RUTLEDGE,
Clerk.

SCHEDULE A TO BY-LAW 195.

AGREEMENT made in duplicate this _____ day of _____

A.D. 1899, between the Corporation of the Town of Fort William, hereinafter called the corporation of the first part; and Edward Spencer Jenison, of the City of Chicago, in the State of Illinois, one of the United States of America, engineer, hereinafter called the contractor, of the second part.

Whereas the contractor has acquired certain powers and rights in connection with the waters of the Kaministiquia River and other waters in the District of Thunder Bay, and the corporation desires to enter into this agreement for the purposes hereinafter set forth.

Now, therefore, it is witnessed that the corporation and the contractor do hereby mutually agree and covenant with each other as follows, that is to say :

1. The contractor shall and will, subject to the conditions hereinafter mentioned, within three years from the first day of January, 1899, construct and complete, or cause to be constructed and completed, the works necessary to furnish and supply to the corporation a water supply sufficient and ample in all respects to meet the requirements of the corporation from time to time for all municipal and domestic purposes, and to supply seven hundred and fifty (750) horse power of electric power or energy to operate the lighting and heating systems owned and operated by the corporation (including both alternating and direct currents suited to the lighting systems now in use or that may hereafter be in use in the said town) and for the other purposes hereinafter set forth ; and further, the contractor shall within the said period provide a water supply on the high lands adjacent to the said Town of Fort William sufficient to produce ten thousand horse power.

2. The said water supply shall be drawn from the Kaministiquia river at a point above the falls known as Kakabeka Falls, and from the streams and creeks between the said points and the town of Fort William, and shall be free from such impurities as will unfit it for domestic use according to the certificate of the analyst of the Dominion Government, and the said water supply, as well as the electric current for the said seven hundred and fifty horse power, shall be delivered and supplied to the corporation at the northwest corner of Lot Number Five in the Fourth Concession in the township of Neebing (now part of the said town of Fort William.)

3. The water to be so supplied now or at any future time shall be delivered in such a manner that it shall have a head of not less than two hundred and fifty to three hundred feet above the level of Lake Superior available for use, and shall be delivered to the point above named through a pipe one size larger than the corporation uses to take the water away therefrom.

4. The quantity of the said water supply is not, except upon the terms and conditions hereinafter set forth, to exceed two hundred and fifty millions (250,000,000) of gallons per year, and the electric power or energy to be supplied as aforesaid is not, except upon the terms and conditions hereinafter set forth, to exceed seven hundred and fifty (750) horse power.

5. The corporation shall have the right to make use of the water to be so supplied as aforesaid as well as of the additional quantity to be supplied on the terms and conditions hereinafter contained for all the said municipal and domestic purposes, which are hereby declared to include the furnishing of a water supply to any railway company doing business in the said town of Fort William ; provided, however, and it is hereby expressly stipulated and agreed, that the corporation shall not take, and the contractor shall not be bound to supply or deliver, any water to be used by the corporation for the purpose of making power or energy of any kind for any purpose, or any water to be sold, disposed of, furnished or delivered to customers or consumers for use in the manufacture of power or energy of any kind or for any other hydraulic or manufacturing purpose.

6. The corporation shall have the right to make use of the said seven hundred and fifty horse power of electric power or energy as well as of the additional power or energy to be supplied on the terms and conditions hereinafter contained during the whole twenty-four hours of every day for all municipal purposes for which such power or energy may be required by the corporation, including the operation of the lighting and heating systems owned by it so long as the same shall continue to be owned by the corporation, but no longer ; and it is hereby expressly stipulated and agreed that the corporation shall not take, and the contractor shall not be bound to supply or deliver, any electric power or energy to be used by the corporation for any other purpose than those hereinbefore mentioned, except as set forth in paragraph number seven (7) of this agreement.

7. During a term of five years commencing from the completion of the said works, but no longer, the corporation shall have the right to sell, lease or otherwise dispose of to consumers or customers other than the Canadian Pacific Railway Company, within the said town of Fort William, any surplus power or energy supplied to it as aforesaid, over and above that which may be required by the corporation to properly and efficiently operate its electric lighting and heating systems and fully supply the demands and requirements of the public in respect thereof; and further, after the expiration of the said term of five years, when the right of the corporation to sell, lease or otherwise dispose of surplus power or energy as aforesaid shall have ceased, the corporation shall have the right from time to time to alter the respective quantities of water and of electric power or energy to be supplied to it as aforesaid by exchanging the surplus water, to which it may from time to time be entitled as aforesaid, over and above its requirements, for electric power or energy, or by exchanging for water the surplus electric power or energy to which it may from time to time be entitled as aforesaid, over and above its said requirements; and such exchanges, if any, shall be effected on the basis of each single horse power of electric power or energy being equal in value to one million gallons of water; provided, however, that before effecting any such exchange, the corporation shall give to the contractor twenty days' notice in writing of its desire to do so and of the respective amounts of water and of power or energy required by it, and that such notice shall be binding and conclusive as to the respective amounts of water and of power or energy to be thereafter delivered.

8. Before the completion of the said works the contractor shall give to the corporation notice in writing specifying the date at which he expects to have the same completed and ready for occupation, and such notice, if given between the first day of November in any year and the first day of May next ensuing, shall be for a period of six months commencing from such first day of May, and if given between the first day of May in any year and the first day of November next ensuing, it shall be for a period of twelve months commencing from the said first day of November, but no penalty or damages shall be recoverable from the contractor for failure to complete the said works according to or at the time named in such notice, and the parties hereto may by mutual agreement change and alter the stipulations and agreements contained in this paragraph as to such notice.

9. Upon the completion of the works necessary to provide the said water and power supply, and from and after the date of such completion, and yearly and every year thereafter during the currency of this agreement, the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, the sum of ten thousand dollars (\$10,000) per year in four equal quarterly payments of two thousand five hundred dollars (\$2,500) each, the first of which shall become due and be paid at the expiration of three months from the completion of the said works and the completion of the term of notice to the corporation hereinbefore provided for, and the subsequent payments of which shall become due and be paid at the expiration of each and every period of three months next ensuing after the date fixed as aforesaid for the said first payment; provided, however, that if after making due efforts the corporation shall upon the completion of said works be unable to receive the said water and power supply then the corporation shall not until it shall be in a position to receive the same be called upon to commence making the said payments before the expiration of the time within which the contractor is hereby bound as aforesaid to complete his said works.

10. The contractor shall furnish and deliver to the corporation from time to time all the water required by it for the purposes for which water is to be supplied to it as aforesaid, over and above the said quantity of two hundred and fifty millions of gallons per year, and also all the electric power or energy required to operate its electric lighting and heating

systems and for all the other purposes hereinbefore mentioned over and above the said seven hundred and fifty horse power to the full extent of the capacity of the works which the contractor is now, or shall hereafter be, authorized and empowered to construct and shall from time to time and at all times, upon receipt of proper and reasonable notice of the corporation's increased requirements of water or electric power or energy, and so far as he is authorized to do so, construct the works necessary to meet such additional requirements, and the corporation shall have the right from time to time and at all times to take and use the water and electric power or energy required by it for any of the purposes for which water and electric power or energy are to be supplied to it as aforesaid, to the full extent of the capacity of the contractor's works, provided, however, that the agreements and stipulations contained in this paragraph shall be subject to the terms and conditions set forth in paragraphs number eleven (11) twelve (12) and thirteen (13) of this agreement.

11. When and as often as the quantity of water supplied and delivered to the corporation as aforesaid shall exceed sixty-two million five hundred thousand (62,500,000) gallons for any of the said periods of three months, the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, one cent for each one thousand gallons of such excess, and the same shall become due and be paid quarterly on the second of the said quarter days next ensuing after the completion of the period of three months during which such excess may occur; provided, however, that if at the end of any year (to be reckoned from the date of the completion of the said works as aforesaid or some date to be mutually agreed upon between the parties hereto) the amount of water supplied during such year to the corporation shall not have exceeded two hundred and fifty millions of gallons altogether, the corporation shall have the right to deduct from the last of its payments for such year any sum or sums which it may have already paid for water supplied to it in any three months of such year in excess of sixty-two million five hundred thousand (62,500,000) gallons.

12. When and as often as the amount of electric power or energy supplied and delivered to and taken by the corporation as aforesaid shall exceed seven hundred and fifty horse power, the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, the sum of twenty-five (\$25.00) dollars per year for each horse power of such excess, and the same shall become due and be paid quarterly on the second of the said quarter days next ensuing after the completion of the period of three months during which such excess may occur.

13. The Contractor shall not be obliged or compelled, notwithstanding anything contained in paragraph number ten (10) hereof, to supply or deliver to the corporation any quantity of water in excess of the said quantity of two hundred and fifty millions of gallons per year, or any amount of electric power, or energy in excess of seven hundred and fifty horse power, except to the extent to which the contractor shall be authorized to deliver such excess, after supplying and delivering to other customers or consumers with whom he may from time to time have contracts or agreements, the water or power required by them under such contracts or agreements for manufacturing, hydraulic or other purposes for which the contractors shall have authority to supply or deliver water or power or energy; but the contractor shall not at any time after the receipt of notice of the corporation's increased requirements of water or power, as provided in paragraph number ten (10) hereof, make or enter into any new contract or agreement with any consumer or customer for the supply or delivery of either water or power, if the fulfilment of such contract or agreement may prevent the contractor from supplying and delivering to the corporation the additional amounts of water or power required by it under paragraph number ten (10) hereof.

14. Should the payments or any part of the payments to be made under this agreement remain overdue and unpaid for a period of ninety (90)

days from the days and times on which they shall respectively become due and payable, the contractor shall thereupon be at liberty to shut off the supply of water and electric power or energy contemplated by this agreement and cease to supply and deliver any water or electric power or energy or either of them to the Corporation until all moneys due under this agreement shall have been fully paid and satisfied.

15. The contractor shall be considered to have supplied to the corporation, and the corporation shall be considered to have supplied to customers or consumers, electric power or energy to the full capacity of any motor or other appliance or set of appliances with which either the contractor or the corporation may connect a conductor of electric power or energy when and so long as the electric current supplied to such conductor is of sufficient capacity to operate such motor or other appliance or set of appliances, whether the same be used during only part or the whole of the time thereafter, but no extra charge for power shall be made to the corporation until the gross amount of electric power or energy supplied to the different motors or other appliances of the corporation or its customers or consumers shall exceed seven hundred and fifty horse power.

16. The contractor shall have the right to sell, lease or otherwise dispose of and to deliver water derived from the sources above named for manufacturing or hydraulic purposes of all kinds, and for all other purposes for which water is not to be supplied to the corporation as aforesaid within the limits of the said Town of Fort William, and also to sell, lease or otherwise dispose of and to deliver mechanical, electrical and hydraulic power and energy, electricity, compressed air, and power and energy in any other more condensed form derived from the sources above named that may from time to time be in use, and for the purpose of so doing to convey and conduct such water, mechanical, electrical and hydraulic power and energy, electricity, compressed air, and power and energy in any other more condensed form by three separate routes in as direct a manner as practicable, through, along, under and over the streets, highways and public places of the corporation on such routes and no others unless mutually agreed upon, by means of pipes, mains, wires, poles and conduits and other approved methods that may from time to time be in use for such purposes; provided, however, that in so doing the contractor shall interfere as little as possible with the existing pavements, sewers, water-mains, pipes and wire and pole lines of the corporation, and shall construct and operate the said works in a proper and workmanlike manner and under competent supervision and in such a way as to interfere with and interrupt as little as possible the public use of such streets, highways and public places; and provided further that the contractors shall give to the corporation twenty days' notice in writing before entering upon any of the streets, highways or public places of the corporation for the purpose of constructing any of the said works, ~~and~~ or making repairs or alterations therein, ~~and~~ and that the said works shall be constructed, ~~and~~ and all repairs and alterations hereto shall be executed ~~in~~ in a manner approved of by the Town Engineer as least calculated to interfere with the public use of such streets, highways and public places, and that upon the completion of any of the said works ~~and~~ or repairs or alterations, ~~the~~ the said streets, highways and public places, shall be restored as nearly as possible to their original condition to the satisfaction of the said Town Engineer; and provided also that the contractor shall indemnify and save harmless the corporation from all damages properly recoverable against it by reason of anything done by the contractor under the provisions of this paragraph.

17. Should the corporation at any time do away with all its wires and pole lines either throughout the whole of the said town or throughout any particular areas or sections of it in which the congestion of business or traffic may make such a course necessary, the contractor shall also upon receipt of reasonable notice, remove his wire and pole lines from above the surface of the said streets, highways and public places within the same areas or sections.

18. The works to be constructed by the contractor under this agreement (including those mentioned in paragraph 16 hereof) and all the property whether real or personal, used or occupied in connection therewith, shall during the currency of this agreement be exempt from all taxes and assessments of every kind except only school taxes, and local improvement rates.

19. This agreement shall remain in force until the first day of January, 1932.

20. This agreement and all the terms and provisions hereof shall be in all respects binding upon, and shall enure to the benefit of the heirs, executors, administrators and assigns of the contractor and the successors and assigns of the corporation, and the contractor shall have the right at any time to sell, lease, assign, transfer and set over this agreement and all his rights, powers and privileges hereunder to any company or corporation that may be formed for the purpose of carrying out the undertaking or works contemplated by this agreement or any part of such undertaking or works, and upon notification to the corporation of such assignment or transfer this agreement and all the rights, powers and privileges hereby granted to the contractor shall at once become vested in and exercisable by the said company or corporation to be formed as aforesaid in the same way to all intents and purposes and to the same extent as if the name of such company or corporation were substituted for that of the contractor in this agreement.

21. Time shall be of the essence of this agreement, and this agreement shall be altogether null and void if the contractor shall not within three years from the first day of January, 1899, have completed the works specified in paragraph number one (1) hereof.

In witness whereof the seal of the corporation under the hands of its mayor and clerk has been hereunto affixed and the contractor has hereunto set his hand and seal.

Signed, sealed and delivered in the presence of

SCHEDULE B.

TOWN OF PORT ARTHUR.—No. 526.

A by-law respecting waterworks, electric lighting and power and other services for municipal purposes.

The council of the corporation of the town of Port Arthur enacts as follows :—

1. The mayor is empowered on behalf of this corporation to execute the contract between the corporation of the town of Port Arthur and Edward Spencer Jenison, a draft of which is hereto attached, marked as Schedule "A" to this by-law, and which schedule is made a part of this by-law to read therewith after the same shall have received the assent of the electors and ratepayers as required by law.

2. The votes of the electors, being the qualified ratepayers of the town of Port Arthur entitled to vote upon this by-law, will be taken on this by-law by the clerk of the corporation of the town of Port Arthur, the returning officer in that behalf, by and through the several deputy returning officers hereinafter named, on Monday the second day of January, A.D. 1899, commencing at nine o'clock in the morning, when the poll shall be opened, and continuing open until five o'clock in the afternoon of that day and no longer, at the several undermentioned places in the town of Port Arthur, namely :—

In the first ward, at the council chamber on Park street in the said town, by Mr. Neil McDougall of Port Arthur as deputy returning officer for that ward.

In the second ward, at lot 5, west side of Cumberland street, by Mr. W. A. McCallum of Port Arthur as deputy returning officer for that ward, and

In the third ward, at the Continental Hotel building on Cumberland street in the said town, by Mr. John Munro of Port Arthur as deputy returning officer for that ward.

3. On Friday the 30th day of December, A.D. 1898, at his office in the council chamber on Park street in Port Arthur, at eleven o'clock in the forenoon, the mayor shall in writing signed by him appoint two persons to attend at the final summing up of the votes by the clerk of this corporation and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

4. The said clerk shall attend at the council chamber on Park street at Port Arthur at noon on Wednesday the 4th day of January, 1899, to sum up the number of votes given for and against this by-law, and at the same time and place, in the presence of the persons authorized to attend, or such of them as may be present, and then and there declare the result and forthwith certify to the council of this municipality under his hand whether the majority of the electors, being the duly qualified ratepayers in that behalf voting upon this by-law, have approved or disapproved thereof.

Council Chamber, Port Arthur, 25th day of January, 1899.

GEORGE T. MARKS,
Mayor.

J. McTEIGUE,
Clerk.

SCHEDULE "A" TO BY-LAW No. 526.

AGREEMENT made in duplicate this day of A.D., 1899,
between the corporation of the Town of Port Arthur, hereinafter
called the corporation, of the first part, and Edward Spencer Jenison,
of the City of Chicago, in the State of Illinois, one of the United
States of America, engineer, hereinafter called the contractor, of the
second part.

Whereas the contractor has acquired certain powers and rights in connection with the waters of the Kaministiquia River, and other waters in the district of Thunder Bay, and the corporation desires to enter into this agreement for the purposes hereinafter set forth:

Now, therefore, it is witnessed that the corporation and the contractor do hereby mutually agree and covenant with each other as follows, that is to say:

1. The contractor shall and will, subject to the conditions hereinafter mentioned, within three years from the first day of January, 1899, construct and complete, or cause to be constructed and completed, the works necessary to furnish and supply to the corporation a water supply sufficient and ample in all respects to meet the requirements of the corporation from time to time for all municipal and domestic purposes, and to supply seven hundred and fifty (750) horse power of electric power or energy to operate the electric railway, lighting and heating systems owned and operated by the corporation and for the other purposes hereinafter

set forth, and further, the contractor shall, within the said period, provide a water supply on the high lands adjacent to the said town of Port Arthur sufficient to produce ten thousand horse power.

2. The said water supply shall be drawn from the Kaministiquia River at a point above the falls known as Kakabeka Falls, and from the streams and creeks between the said point and the Town of Port Arthur, and shall be free from such impurities as will unfit it for domestic use, according to the certificate of the analyst of the Dominion Government, and the said water supply as well as the electric current of the said seven hundred and fifty (750) horse power, shall be delivered and supplied to the corporation at any point or points east of the McIntyre River, and within a distance of two miles from the intersection of Cumberland and Arthur streets in the said town, to be selected by the contractor.

3. The water to be supplied now or at any future time shall be delivered in such a manner that it will have a head of not less than from two hundred and fifty to three hundred feet above the level of Lake Superior available for use, and shall be delivered to the points above named through a pipe one size larger than the corporation uses to take the water away therefrom.

4. The quantity of the said water supply is not, except upon the terms and conditions hereinafter set forth, to exceed two hundred and fifty millions (250,000,000) of gallons per year, and the electric power or energy to be supplied as aforesaid, is not, except upon the terms and conditions hereinafter set forth, to exceed seven hundred and fifty (750) horse power.

5. The corporation shall have the right to make use of the water to be so supplied as aforesaid, as well as of the additional quantity to be supplied on the terms and conditions hereinafter contained, for all the said municipal and domestic purposes, which are hereby declared to include the furnishing of a water supply to any railway company doing business in the said Town of Port Arthur, provided, however, and it is hereby expressly stipulated and agreed, that the corporation shall not take and the contractor shall not be bound to supply or deliver, any water to be used by the corporation for the purpose of making power or energy of any kind for any purpose, or any water to be sold, disposed of, furnished or delivered to customers or consumers, for use in the manufacture of power or energy of any kind, or for any other hydraulic or manufacturing purpose.

6. The corporation shall have the right to make use of the said seven hundred and fifty (750) horse power of electric power or energy as well as of the additional power or energy to be supplied on the terms and conditions hereinafter contained, during the whole twenty-four hours of every day for all municipal purposes for which such power or energy may be required by the corporation, including the operation of the electric railway, lighting and heating systems owned and operated by it, so long as the same shall continue to be owned and operated by the corporation, but no longer; and it is hereby expressly stipulated and agreed that the corporation shall not take and the contractor shall not be bound to supply or deliver, any electric power or energy to be used by the corporation for any other purpose than those hereinbefore mentioned, except as set forth in paragraph number seven (7) of this agreement.

7. During a term of five years, commencing from the completion of the said works, but no longer, the corporation shall have the right to sell, lease, or otherwise dispose of to consumers, or customers within the said Town of Port Arthur, any surplus electric power or energy supplied to it as aforesaid over and above that which may be required by the corporation to properly and efficiently operate its electric railway, lighting and heating systems and fully supply the demands and requirements of the public in respect thereof, and further, after the expiration of the said term of five years, when the right of the corporation to sell, lease, or otherwise dispose of surplus power or energy, as aforesaid, shall have ceased, the corporation shall have the right from time to time to alter the respective quantities of water and of electric power or energy to be supplied to it as aforesaid,

by exchanging the surplus water to which it may be entitled as aforesaid over and above its requirements, for electric power or energy, or by exchanging for water the surplus electric power or energy to which it may from time to time be entitled as aforesaid over and above its said requirements, and such exchanges, if any, shall be effected on the basis of each single horsepower of electric power or energy being equal in value to one million gallons of water, provided, however, that before effecting any such exchange the corporation shall give to the contractor twenty days' notice in writing of its desire to do so, and of the respective amounts of water and of power or energy required by it, and that such notice shall be binding and conclusive as to the respective amounts of water and of power or energy to be thereafter delivered.

8. Before the completion of the said works the contractor shall give to the corporation notice in writing specifying the date at which he expects to have the same completed and ready for operation, and such notice, if given between the first day of November in any year and the first day of May next ensuing, shall be for a period of six months commencing from such first day of May, and if given between the first day of May in any year and the first day of November next ensuing, it shall be for a period of twelve months, commencing from the said first day of November, but no penalty or damages shall be recoverable from the contractor for failure to complete the said works according to or at the time named in such notice, and the parties hereto may by mutual agreement change and alter the stipulations and agreements contained in this paragraph as to such notice.

9. Upon the completion of the works necessary to provide the said water and power supply, and from and after the date of such completion, and yearly and every year thereafter during the currency of this agreement the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, the sum of ten thousand (\$10,000) dollars per year, in four equal quarterly payments of two thousand five hundred (\$2,500) dollars each, the first of which shall become due and be paid at the expiration of three months from the completion of the said works and the completion of the term of notice to the corporation hereinbefore provided for, and the subsequent payments of which shall become due and be paid at the expiration of each and every period of three months next ensuing after the date fixed as aforesaid for the said first payment; provided, however, that if after making due efforts the corporation shall upon the completion of the said works be unable to receive the said water and power supply then the corporation shall not until it shall be in a position to receive the same be called upon to commence making the said payments before the expiration of the time within which the contractor is hereby bound as aforesaid to complete his said works.

10. The contractor shall furnish and deliver to the corporation from time to time all the water required by it for the purposes for which water is to be supplied to it as aforesaid over and above the said quantity of two hundred and fifty millions of gallons per year and also all the electric power or energy required by it to operate its electric railway, lighting and heating systems and for all other purposes hereinbefore mentioned over and above the said seven hundred and fifty horse power, to the full extent of the capacity of the works which the contractor is now, or shall hereafter be, authorized and empowered to construct, and shall from time to time and at all times, upon receipt of proper and reasonable notice of the corporation's increased requirements of water or electric power or energy, and so far as he is authorized to do so, construct the works necessary to meet such additional requirements, and the corporation shall have the right from time to time and at all times to take and use the water and electric power or energy required by it for any of the purposes for which water and electric power or energy are to be supplied to it as aforesaid, to the full extent of the capacity of the contractor's works, provided, however, that the agreements and stipulations contained in this paragraph shall be subject to the terms and conditions set forth in paragraphs number eleven (11), twelve (12) and thirteen (13) of this agreement.

11. When and as often as the quantity of water supplied and delivered to the corporation as aforesaid shall exceed sixty-two million, five hundred thousand (26,500,000) of gallons for any of the said periods of three months, the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, one cent for each one thousand gallons of such excess and the same shall become due and be paid quarterly on the second of the said quarter days next ensuing after the completion of the period of three months during which such excess may occur ; provided, however, that if at the end of any year (to be reckoned from the date of the completion of the said works as aforesaid or some date to be mutually agreed upon between the parties hereto) the amount of water supplied during such year to the corporation shall not have exceeded two hundred and fifty millions of gallons altogether, the corporation shall have the right to deduct from the last of its payments for such year any sum or sums which it may have already paid for water supplied to it in any three months of such year in excess of sixty-two million five hundred thousand (62,000,000) gallons.

12. When and as often as the amount of electric power or energy supplied and delivered to and taken by the corporation as aforesaid shall exceed seven hundred and fifty horse power the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, the sum of twenty-five dollars (\$25.00) per year for each horse power of such excess, and the same shall become due and be paid quarterly on the second of the said quarter days next ensuing after the completion of the period of three months during which such excess may occur.

13. The contractor shall not be obliged or compelled, notwithstanding anything contained in paragraph number ten (10) hereof, to supply or deliver to the corporation any quantity of water in excess of the said quantity of two hundred and fifty millions of gallons per year or any amount of electric power or energy in excess of seven hundred and fifty horse power, except to the extent to which the contractor can supply and deliver such excess, after supplying and delivering to other customers or consumers with whom he may from time to time have contracts or agreements, the water or power required by them under such contracts or agreements for manufacturing, hydraulic or other purposes for which the contractor shall have authority to supply or deliver water or power or energy ; but the contractor shall not at any time after the receipt of notice of the corporation's increased requirements of water or power, as provided in paragraph number ten (10) hereof, make or enter into any new contract or agreement with any consumer or customer for the supply or delivery of either water or power, if the fulfilment of such contract or agreement may prevent the contractor from supplying and delivering to the corporation the additional amounts of water or power required by it under paragraph number ten (10) hereof.

14. Should the payments or any part of the payments to be made under this agreement remain overdue and unpaid for a period of thirty (30) days from the days and times on which they shall respectively become due and payable, the contractor shall thereupon be at liberty to shut off the supply of water and electric power or energy contemplated by this agreement and cease to supply or deliver any water or electric power or energy or either of them to the corporation until all monies due under this agreement shall have been fully paid and satisfied.

15. The contractor shall be considered to have supplied to the corporation, and the corporation shall be considered to have supplied to customers or consumers, electric power or energy to the full capacity of any motor or other appliance or set of appliances with which either the contractor or the corporation may connect a conductor of electric power or energy when and so long as the electric current supplied to such conductor is of sufficient capacity to operate such motor or other appliance, or set of appliances, whether the same be used during only part or the whole of the time thereafter, but no extra charge for power shall be made to the corporation until the gross amount of electric power or energy supplied to

the different motors or other appliances of the corporation or its customers or consumers shall exceed seven hundred and fifty horse power.

16. The contractor shall have the right to sell, lease or otherwise dispose of and to deliver water derived from the sources above named for manufacturing and hydraulic purposes of all kinds, and for all other purposes for which water is not to be supplied to the corporation as aforesaid, within the limits of the said Town of Port Arthur and also to sell, lease or otherwise dispose of and to deliver mechanical, electrical and hydraulic power and energy, electricity, compressed air, and power and energy in any other more condensed form derived from the sources above named that may from time to time be in use, and for the purposes of so doing to convey and conduct such water, mechanical, electrical and hydraulic power and energy, electricity, compressed air and power and energy in any other more condensed form through, along, under and over the streets, highways and public places of the corporation, by means of pipes, mains, wires, poles and conduits, and other approved methods that may from time to time be in use for such purposes; provided, however, that in so doing the contractor shall interfere as little as reasonably may be with the existing pavements, sewers, water-mains, pipes and wire and pole lines of the corporation, and shall construct and operate the said works in a proper and workmanlike manner and under competent supervision and in such a way as to interfere with and interrupt as little as possible the public use of such streets, highways and public places; and provided further that the contractor shall give to the corporation twenty days' notice in writing before entering upon any of the streets, highways or public places of the corporation for the purpose of constructing any of the said works or making repairs or alterations thereto and that the said works shall be constructed and all repairs and alterations thereto shall be executed in the manner approved of by a civil engineer to be named by the corporation as least calculated to interfere with the public use of such streets, highways and public places, and that upon the completion of any of the said works or repairs or alterations the said streets, highways and public places shall be restored as nearly as possible to their original condition to the satisfaction of the said civil engineer and provided also that the contractor shall indemnify and save harmless the corporation from all damages properly recoverable against it by reason of anything done by the contractor under the provisions of this paragraph.

17. Should the corporation at any time do away with all its wire and pole lines either throughout the whole of the said town or throughout any particular areas or sections of it in which the congestion of business or traffic may make such a course necessary, the contractor shall also upon receipt of reasonable notice remove his wire and pole lines from above the surface of the said streets, highways and public places within the same areas or sections.

18. The works to be constructed by the contractor under this agreement (including those mentioned in paragraph 16 hereof) and all the property whether real or personal used or occupied in connection therewith shall during the currency of this agreement be exempt from all taxes and assessments of every kind except only school taxes and local improvement rates.

19. This agreement shall remain in force until the first day of January, 1932.

20. This agreement and all the terms and provisions hereof shall be in all respects binding upon, and shall enure to the benefit of the heirs, executors, administrators and assigns of the contractor and the successors and assigns of the corporation, and the contractor shall have the right at any time to sell, lease, assign, transfer and set over this agreement and all his rights, powers and privileges hereunder to any company or corporation that may be formed for the purpose of carrying out the undertaking or works contemplated by this agreement, or any part of such under-

aking or works, and upon notification to the corporation of such assignment or transfer this agreement and all the rights, powers and privileges hereby granted to the contractor shall at once become vested in and exercisable by the said company or corporation to be formed as aforesaid in the same way to all intents and purposes and to the same extent as if the name of such company or corporation were substituted for that of the contractor in this agreement.

21. The contractor shall not offer any inducements in the shape of lower prices or otherwise to consumers to locate in one municipality in preference to another.

22. Time shall be of the essence of this agreement, and this agreement shall be altogether null and void if the contractor shall not within three years from the first day of January, 1899, have completed the works specified in paragraph number one (1) hereof.

In witness whereof the seal of the corporation under the hands of its mayor and clerk has been hereunto affixed and the contractor has hereunto set his hand and seal.

Signed, Sealed and Delivered in presence of

J. McTEIGUE,
Clerk.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend the Act to enable Edward
Spencer Jenison to develop and improve
a Water Privilege on the Kaninistiquia
River and extend the provisions thereof.

First Reading, 17th February, 1899.
Second Reading, 15th March, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

Mr. CONMER.

TORONTO :
PRINTED BY L. K. CAMBRON,
Printer to the Queen's Most Excellent Majesty.

No. 39.]

BILL.

[1899.

An Act respecting By-law No. 913 of the City of Belleville.

WHEREAS, the corporation of the municipality of the city of Belleville have by their petition shown that they, by their Council on the fifth day of December, A D. 1898, passed a By-law No. 913, the same having been first approved
5 by a large majority of the ratepayers of the city of Belleville, entitled "A by-law to provide for granting aid by way of bonus to a company to be called "The Canadian Brussels Carpet Company, Limited," and to provide for the issue of debentures of the city of Belleville therefor; which by-law authorizes the
10 municipality of the city of Belleville to grant a bonus of thirty-five thousand dollars to the said "The Canadian Brussels Carpet Company, Limited," and to borrow upon the credit of debentures of the City of Belleville a sum not exceeding the said sum of thirty-five thousand dollars for the
15 purpose of paying the said bonus; and whereas prior to the passing of the said by-law several citizens of the said city had subscribed for stock in the said company, being assured that the business to be carried on could be made successful and have since agreed that if the said by-law is ratified and
20 confirmed by this Legislature they will increase their holdings of stock in the said company to an amount sufficient to comply with the provisions of the said by-law No. 913; and whereas it is desirable that such an industry should, if possible, be established on a sound basis in this province and that any
25 parties organized to operate the said business in Ontario and evidencing their good faith therein by subscribing for stock

in a company created for that purpose should be encouraged and assisted; and whereas in addition to the fact that a number of the citizens of Belleville have subscribed for and paid all calls so far made on stock in the said company and are willing to increase such subscription, the ratepayers of the said city have shown that they are strongly in favor of assisting the said company by granting by an almost unanimous vote the bonus referred to in the by-law set forth in schedule "A" to this Act, only forty-eight votes being recorded against the by-law out of a total vote of 1,397; and whereas owing to the fact that the said municipality has not the power to grant the said bonus until the by-law has been ratified and confirmed by this Legislature, they could not in the said by-law name the time when the said debentures should be issued or the year when the first annual levy to provide for the interest and sinking fund should be made; and whereas the said corporation have by their petition prayed that an Act may be passed to ratify, legalize and confirm the said by-law and to authorize the said corporation to borrow upon the credit of the debentures of the city of Belleville a sum not exceeding the said sum of thirty-five thousand dollars for the purpose of paying the said bonus and to authorize them to issue the said debentures and to date them the first day of July, A. D. 1899, and levy the necessary annual rate for the payment of the interest and provide for the sinking fund to pay the principal sum of the said debentures according to the intent of said by-law, notwithstanding any defect in said by-law in not naming the date of the issue of the debentures or the time for the commencement of the said annual rate, or any other defect whatsoever in said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the consent of the Legislative Assembly of the province of Ontario enacts as follows:

By-law 913
confirmed.

1. That By-law No. 913 of the municipal corporation of the city of Belleville passed on the 5th day of December, 1898, and set forth in schedule "A" to this Act, is hereby ratified, confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same. And the said corporation of the city of Belleville is hereby authorized and empowered to issue debentures as provided by the said by-law and date them on the first day of July, 1899, and the said debentures so to be issued under the said by-law are hereby declared to be when so issued legal and binding upon the said municipality. And the said corporation is hereby authorized and empowered to levy on the assessable property of the

municipality of the city of Belleville the necessary annual rates to provide for the payment of the interest and for the sinking fund to pay off the principal sum of the said debentures according to the intent of said by-law, and further, to do all necessary acts for the full and proper carrying out of the said by-law No. 913.

SCHEDULE A.

By-Law No. 913.

A By-law to provide for granting aid by the way of bonus to a company to be called the Canadian Brussels Carpet Company, Limited, and to provide for the issue of debentures of the City of Belleville therefor.

Passed

1898.

Whereas, Thomas S. Carman, Publisher, J. Lyons Biggar, Agent, Uriah Elliott Thompson, Private Banker, all of the City of Belleville, Province of Ontario, and Warren S. Dresser, of the City of Sherbrooke, in the Province of Quebec, Agent and others have associated themselves together and propose to form themselves into a Joint Stock Company with a capital stock of two hundred thousand dollars (\$200,000) under the name, style and title of The Canadian Brussels Carpet Company, Limited, for the purpose of establishing a Brussels Carpet Factory in the City of Belleville and have applied to the Corporation of the City of Belleville for the grant of a bonus to assist them to so establish the said factory :

And whereas the said Thomas S. Carman, J. Lyons Biggar, Uriah Elliott Thompson and Warren S. Dresser of the one part, and the Corporation of the City of Belleville of the other part have entered into the Agreement set forth in Schedule A hereunto annexed, which Agreement shall be taken to form a part of this by-law ;

And whereas it is expedient to pass this by-law and submit the same to the electors of the Municipality to authorize the issue of debentures of the said Municipality to the amount of thirty-five thousand dollars (\$35,000) for the purpose of aiding the erection in the said city of a Brussels and Wilton Carpet and Rug Factory as particularly set forth in said Agreement in Schedule A hereunto annexed ;

And whereas the sum of fourteen hundred dollars will require to be raised annually during the currency of the debentures by this by-law authorized to be issued to pay the interest on the said sum of thirty-five thousand dollars and the sum of one thousand three hundred and two fifty-three one hundredths dollars annually to discharge the said principal debt of thirty-five thousand dollars when payable, making together the sum of twenty-seven hundred and two fifty-three one hundredths dollars, which said sum will be sufficient with the estimated interest on the investments thereof to discharge the said debt when payable ;

And whereas the amount of the whole rateable property of the said municipality according to the last revised assessment roll of the municipality being for the year 1898 amounts to \$3,862,126.00 ;

And whereas the existing debenture debt of the said municipality (including local improvement debentures and school debentures) is the sum of \$447,163.68 and no part of the same nor of the interest thereon is in arrears ;

Be it therefore enacted by the Council of the Corporation of the City of Belleville as follows :

1. That it shall be lawful at the times hereinafter mentioned for the Mayor of the said City for the purposes aforesaid to borrow upon the credit of the debentures hereinafter mentioned a sum not exceeding the said sum of Thirty-five Thousand Dollars and after this By-Law has been confirmed by the Legislature of the Province of Ontario and when the provisions of the Agreement contained in Schedule "A" hereunto annexed providing for the issue of debentures have been complied with, issue debentures of the said Municipality to be dated on the day of the issue thereof, to an amount not exceeding Thirty-five Thousand Dollars (\$35,000), in sums of not less than One Hundred Dollars each payable at the end of twenty years from the day of the date thereof, and to bear interest at a rate not exceeding four per cent per annum payable half-yearly on the half-yearly days as may be proper after the date of the issue of the said debentures and adjusted thereto in each and every year during the currency of the said debentures.

2. That the said debentures as to principal and interest shall be payable in lawful money of the Dominion of Canada at the office of the Treasurer of the Municipality of the City of Belleville.

3. That it shall be lawful at the times herein provided for the Mayor of the said municipality for the purposes aforesaid, and he is hereby authorized and instructed to sign and issue the said debentures and the said coupons attached thereto hereby authorized to be issued, and to cause the said debentures and the interest coupons attached thereto to be signed by the Treasurer of the said Municipality ; and the Clerk of the said Municipality is hereby authorized and instructed to attach the seal of the said Municipality to the said debentures.

4. That for the payment of the said debenture or debentures and interest thereon, as aforesaid the said annual sums of Fourteen Hundred Dollars for the payment of interest and the sum of One Thousand Three Hundred and Two Dollars and Fifty-three Cents to form a sinking fund for the payment of the said principal which make together the sum of Two Thousand Seven Hundred and Two Dollars and Fifty-three Cents shall be raised and levied in each and every year during the currency of the said debentures by a special rate sufficient therefor on all the rateable property in the said Municipality over and above and in addition to all other rates whatsoever, which said special rate shall be levied in each and every year during the currency of said debenture or debentures until the said debenture or debentures and interest thereon are fully paid or provided for ; and the said annual rate shall begin from the date the said debentures are hereby authorized to be issued.

5. The said special rate shall be annually inserted on the Collector's Rolls for the said Municipality in each year for the said twenty years and shall be payable to and collected by him in the same way as other rates on said rolls.

6. The said works, lands, buildings, plant, machinery, and stock actually occupied, used and employed in and about the carrying on of the said Carpet Factory, shall be exempt (except in case the same or some part thereof are established in or upon premises which may have buildings upon them and which at the time of purchase or lease are assessed ; in which case then the premises shall continue to be assessed for the amount at which the said premises were so purchased, and also except as to school taxes and school rates) from taxation by the municipality of the City of Belleville for a period of ten years from the First day of January, 1899 ; provided always that the said factory and works are operated for the said period according to the terms, conditions and provisions contained in said agreement set forth in Schedule "A" heretofore annexed.

7. The Agreement hereto annexed and forming Schedule "A" hereto shall be read as incorporated with and form part of this by-law.

8. The said debentures shall only be issued and said bonus shall only be payable upon the terms and under the conditions of this by-law and the said agreement; and after this by-law has been ratified and confirmed by an Act of the Legislature of the Province of Ontario.

9. This by-law shall come into force and take effect on its final passing and confirmation as aforesaid.

Be it further enacted that the votes of the qualified electors of the said Corporation of the City of Belleville (in accordance with the statutes in that behalf) shall be taken upon this by-law on Tuesday, the 22nd day of November, A. D. 1898, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, at the following places in the said municipality, by the following Deputy Returning Officers, namely :

In Foster Ward, in the building occupied by William Blaind, on West John street in said ward, and that the said William Blaind be and he is hereby appointed Deputy Returning Officer for said Foster Ward.

In Samson Ward, in the Police Court room in the market building, and that Charles Herring be and he is hereby appointed Deputy Returning Officer for said Samson Ward.

In Ketcheson Ward, in the building on the southwest corner of Pinnacle and Campbell streets, in said ward, and that Alexander R. Walker be and is hereby appointed Deputy Returning Officer for said Ketcheson Ward.

In Baldwin Ward, in number two fire engine shed on the west side of Front street, in the city of Belleville, and that James Macoun be and he is hereby appointed Deputy Returning Officer for said Baldwin Ward.

In Bleecker Ward, on the west side of the Cannifton road, in the building next north of McGinniss' grocery, and that William A. Lott be and he is hereby appointed Deputy Returning Officer for said Bleecker Ward.

In Coleman Ward, in the building occupied by Henderson Brown as a shoe shop, on the east side of North Front street, and that William A. Pringle be and he is hereby appointed Deputy Returning Officer for said Coleman Ward.

In No. 7 division of Murney Ward, in the building occupied by James McCarthy, as a shoe shop, on the north side of Bridge street, in said ward, and that J. Charles Panter be and he is hereby appointed Deputy Returning Officer for No. 7 division of said Murney Ward.

In No. 8 division of Murney Ward, in the building occupied by Harry Geary as a butcher shop, on the southeast corner of Coleman and Bridge streets, in the said ward, and that Nicholas W. Lazier be and he is hereby appointed Deputy Returning Officer for said No. 8 division of said Murney Ward.

Be it further enacted that the Clerk of the Council for the Corporation of the City of Belleville shall attend at the city hall in the city of Belleville, on Wednesday, the 23rd day of November, A.D. 1898, at the hour of 10 o'clock in the forenoon, to proceed to sum up the number of votes given for and against this by-law, in accordance with the provisions of the statute in that behalf.

Be it further enacted that the Mayor of the Corporation of the City of Belleville, shall attend at the city hall, in the said city, on Thursday, the 17th day of November, 1898, at the hour of 12 o'clock noon, for the purpose of appointing, and shall appoint in writing, signed by him, two persons to attend at the final summing up of the votes given for and against this by-law, and for the purpose of appointing one person to attend at each polling place upon the day of the polling of the said votes, on behalf of the persons interested in and desirous of promoting and passing of this

by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law, which place, day and hour are hereby fixed for said purpose.

SCHEDULE "A" REFERRED TO IN THE BY-LAW ANNEXED.

Memorandum of Agreement made in duplicate this Twenty-eighth day of October, in the year of our Lord One Thousand Eight Hundred and Ninety-Eight.

Between Thomas S. Carman, of the City of Belleville, in the County of Hastings, publisher; J. Lyons Biggar, of the same place, agent; Uriah Elliott Thompson, of the same place, banker,

And Warren S. Dresser, of the City of Sherbrooke, in the Province of Quebec, manufacturer, hereinafter called the "Company;" of the first part,

And the Municipal Corporation of the City of Belleville, hereinafter called the "Corporation," of the second part.

Whereas the said parties of the first part and others have associated themselves together and propose to form themselves into a Joint Stock Company with a capital stock of two hundred thousand dollars (\$200,000) under the name, style and title of "The Canadian Brussels Carpet Company (Limited)," for the purpose of establishing a Brussels carpet factory in the City of Belleville, and have applied to the corporation for the grant of a bonus to assist them to so establish the said factory:

Witnesseth that the parties hereto covenant, promise and agree each with the other as follows:

(1) the Corporation shall by its council, as soon as possible procure, by submitting to the electors of the municipality of the City of Belleville, under the provisions of *The Municipal Act* in that behalf, a by-law authorizing the issue of debentures of the said corporation to the amount of thirty-five thousand dollars (\$35,000) for the purpose of raising thereon the sum of thirty-five thousand dollars (\$35,000) to be paid over to the said Company, or to whom they may appoint, upon the terms and conditions hereinafter provided and set forth.

2. In case the said by-law receives the assent of the said electors, the corporation shall by its council forthwith pass and enact the same.

3. The company shall, within one year from the final passage of such by-law or within such further period as the council may by resolution allow, purchase or erect within the limits of the City of Belleville substantial buildings suitable for the business of the company and shall therein place and establish in first-class running order machinery, plant and appliances of the value, including buildings, of at least forty thousand dollars (\$40,000), and suitable in all respects for the manufacture of Brussels and Wilton carpets, rugs and like products. Such machinery, plant and appliances to be of a modern design and character and requiring in its complete operation the employment of at least one hundred employees, exclusive of the officers of the company. It is agreed that at least one-third of such employees shall be men and that the total amount of wages paid out yearly by the company shall not be less than twenty-five thousand dollars (\$25,000).

4. The Company shall keep and maintain the said buildings in proper repair and shall in all respects in accordance with this agreement maintain and operate therein at their own expense the said machinery, plant and appliances in the manufacture of Brussels and Wilton carpets, rugs and

like products, and will employ in the said work at least an average of one hundred employees during ten months of each year for a period of ten years from the payment by the Corporation to the Company of the sum of twenty-five thousand dollars (\$25,000) as hereinafter provided.

5. The Company shall execute and deliver to the Corporation or to such person as they may appoint a first mortgage or other security upon the said buildings, plant and machinery and the lands upon which the same are situate, and covenant therein to fulfil in all respects the terms and conditions of this agreement. The said mortgage shall also contain a covenant on the part of the Company to insure and during the said term of ten years to keep insured in Companies to be approved of by the Corporation the said buildings and appliances to the amount of twenty-five thousand dollars (\$25,000) and to assign such policies to the Mortgagees upon the understanding and agreement that, in case of the destruction or damage by fire of the said buildings, machinery, plant or appliances, the monies paid under said policies or so much thereof as may be requisite shall be used in the re-erection or repair of the said buildings and in the establishment therein of machinery, plant and appliances of an equally good and sufficient character for the purposes of the business of the Company as that destroyed, but, should the Company fail to commence to rebuild or repair the said buildings within six months from date of such fire or should they fail to complete the same with all reasonable despatch and place and establish therein in first-class running order the machinery, plant and appliances required as herein provided, the Mortgagees shall be entitled to retain the said monies or so much thereof as may be required to discharge the liability of the Company to the Corporation according to the terms of the said mortgage and also to exercise all the rights and remedies by said mortgage reserved to them. In case the said premises are destroyed or so damaged that the Company are thereby rendered unable to continuously carry on and operate the said business as provided in this Agreement, their failure to do so during the period herein allowed for rebuilding shall not be a breach of any of the covenants in said mortgage or herein contained. The mortgage shall also contain a proviso that the same shall be void on the performance by the Company of the covenants and agreements on their part therein contained and shall further provide that, as regards the twenty-five thousand dollars (\$25,000) to be granted by the Corporation to the Company as hereinafter provided, the amount to be refunded by the Company to the Corporation as damages or otherwise by reason of any default or breach of covenant on the part of the Company shall for each year during which the Company has fully carried out, fulfilled and performed the conditions of this agreement be reduced by the sum of two thousand five hundred dollars (\$2,500) and that as regards each of the additional grants of five thousand dollars (\$5,000), to be made to the Company upon the contingencies also hereinafter provided, the Company shall, for each year after the receipt thereof respectively during which they have fully carried out, fulfilled and performed the conditions and agreements upon which said grant of five thousand dollars (\$5,000) shall have been made, be entitled to a reduction of one thousand dollars (\$1,000) from the amount of any claim which the Corporation may have against them by reason of the failure of the Company to fulfil and perform any of such conditions and agreements; the intention of this agreement being that the Company by a proper fulfilment on their part of all the conditions and agreements on which the said grant of twenty-five thousand dollars (\$25,000) is to be made to them shall at the end of ten years from the date of such grant be wholly released from all liability to the Corporation in respect thereof and that by a proper fulfilment on their part of all the conditions and agreements on which each of the respective grants of five thousand dollars (\$5,000) shall have been made as hereinafter provided, the Company shall at the end of five years from the date of such grant be wholly released from all liability to the Corporation in respect thereof and that the claim of the Corporation against the Company arising out of said grants respectively shall be reduced annually by the amounts respectively above mentioned during the said terms of ten years and five years

6. Provided the said buildings, machinery, plant and appliances have been erected and completed in first-class running order, and that the company have executed and delivered the mortgage or other security in the preceding clause mentioned, and provided further that stock of the company to the extent of sixty thousand dollars (\$60,000) has been subscribed for and fully paid up, and provided further, that the company produce a certificate signed by Thomas Ritchie, Thomas S. Carman and Uriah Elliott Thompson or the survivors of them, that they and the majority of the individual members of the company who are citizens of Belleville are satisfied that the buildings and plant are of the value of forty thousand dollars (\$40,000), and that the amount of capital stock hereinafter mentioned has been subscribed and paid up, either in cash or in a manner satisfactory to the parties before mentioned, the Corporation shall forthwith upon the passage of an Act of the Legislature of the Province of Ontario confirming the said by-law and the issue of debentures thereunder, pay to the said company the sum of twenty-five thousand dollars (\$25,000) in cash. It is further agreed that if at any time subsequently within the first five years after the payment to the company of the said sum of twenty five thousand dollars (\$25,000), the company employ fifty additional employees they shall be entitled to receive from the corporation an additional five thousand dollars (\$5,000), and if they employ another additional fifty employees within eight years from the date of the said payment, so that the total of such employees shall not be less than two hundred, the company shall be entitled to receive a further and additional grant of five thousand dollars (\$5,000), but such respective grants shall only be made upon their certifying to the corporation that the number of employees required to entitle them thereto are actually employed, and upon their entering into an agreement with the corporation by which the mortgage or other security above referred to shall stand as a guarantee that such additional number of employees will be continuously employed for at least ten months during each year for a period of five years from the date of such respective grants; and if the five years do not cover all the balance of the term of this contract, then also, for the balance of the term of this contract, the intention of this agreement being that the company upon employing one hundred employees as above provided shall be entitled to twenty-five thousand dollars (\$25,000); when they employ one hundred and fifty employees five thousand dollars (\$5,000) additional; and when the number of employees engaged in the services of the company amounts to two hundred employees a further sum of five thousand dollars (\$5,000), but that the total amount to be granted by the corporation to the company shall in no case exceed in all thirty-five thousand dollars (\$35,000).

7. The corporation shall, if the company erect the necessary buildings for the purposes of their business, pass a by-law exempting the lands, buildings, plant and machinery and appliances and stock of the company from municipal taxes (except school taxes and school rates) for a period of ten years additional upon their performing the terms and conditions of this agreement. Should, however, the company instead of erecting buildings, purchase premises already erected, the same shall during the said period of ten years be assessed at the amount paid therefor by the company, but it is understood and agreed that the company shall not during the currency of this agreement purchase any premises used for manufacturing purposes.

8. It is understood and agreed that if notwithstanding that the said by-law shall receive the assent of the electors and be passed and enacted by the council, it appears that the corporation is not empowered by the provisions of *The Municipal Act* to legally issue such debentures for the purposes herein specified, the parties hereto shall apply to the Legislature of the Province of Ontario for an Act confirming said by-law and the issue of such debentures thereunder and that both parties hereto shall use their best endeavours to obtain the passage of such an Act, and that the fee required for such Act and the expenses incurred by the corporation in connection with the passage thereof shall be paid by the corporation.

9. In case the said by-law fail to be confirmed by the Legislature of the Province of Ontario before the expiration of the second regular session hereafter of the said Legislature, then this agreement and said by-law shall be null and void unless in the meantime the said works are established as hereinbefore provided, in which case all the provisions of the next preceding clause hereof shall apply, remain in force and be binding upon the parties hereto for ten years from the date hereof.

10. The company shall forthwith after the execution of this agreement deposit a certified cheque or deposit receipt for the sum of four hundred dollars (\$400) with the City Treasurer of the City of Belleville out of which the said city shall pay the expenses necessarily incurred in connection with the submission of the said by-law to the vote of the electors and return the company the balance and after the final passage of such by-law and its confirmation by the Legislature, the corporation shall repay such expenses to the company; but if the company for any reason fail to carry out the provisions of this agreement or decide to withdraw therefrom they shall not be entitled to a refund of the amount so paid for expenses.

11. It is further understood and agreed between the parties hereto that the said parties of the first part are to be incorporated under the name of "The Canadian Brussels Carpet Company, (Limited)," and that upon such incorporation being completed by the issue of Letters Patent all the terms of this agreement shall be binding upon the said company and upon the corporation as fully as if the said company were now incorporated and executed this agreement but it is also agreed and understood that should said parties of the first part fail to get incorporation or to procure a charter under which they may carry on said business or in case said by-law does not receive the assent of the qualified electors of the city as required by *The Municipal Act*, in each and any such case this agreement shall be null and void.

12. Delays or stoppages caused by accident or the making of necessary repairs shall not be regarded as a violation of this agreement.

13. The parties hereto covenant and agree each with the other that they shall and will well and faithfully observe, abide by, carry out and perform all things on their respective parts herein to be done, kept and performed according to the true intent and meaning hereof.

In witness whereof the parties of the first part have hereunto set their hands and seals and the parties hereto of the second part have hereunto set their corporate seal attested by the hand of their Mayor.

Signed, sealed and delivered in the presence of

(Signed) W. H. BIGGAR.

(Signed) T. S. CARMAN, [L.S.]

" J. LYONS BIGGAR, "

" U. E. THOMPSON, "

" W. S. DRESSER, "

(Signed) J. W. JOHNSON, { [L.S.]
Mayor }

(Signed) D. B. ROBERTSON,
City Clerk.



2nd Session 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting By-law No. 913 of the
City of Belleville.

First Reading.	1899.
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(Private Bill.)

MR. RUSSELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 40.]

BILL.

[1899.

An Act respecting the Township of York and to incorporate the Town of York.

WHEREAS, as appears by the proceedings of the county council of the county of York for 1898, there are ten township municipalities included in the said county, and, while the township of York comprises within its limits about one-tenth of the total acreage, it shows about one-fourth of the persons assessed, and nearly one-fourth of the total township assessment of the county, and on the equalized assessment pays nearly twenty per cent. of the total county rate; and whereas, owing to its proximity to the city of Toronto, a large area of township territory is laid out into building lots, market gardens and small parcels, occupied largely by a suburban population, whose conditions and opinions as to municipal requirements differ so materially from those of the ordinary township population that there is little community of views or interest between the ratepayers of the Township of York and those of the other townships in the county of York; and whereas difficulties and differences frequently arise between the council of the township of York and the council of the county of York by reason of such want of similarity of conditions, opinions and interests; and it is desirable that the present grievances complained of should be remedied, and the future recurrence thereof be prevented; and whereas, the council of the township of York have by their petition represented that the only remedy for the existing grievances and the prevention of the arising of future

Preamble.

grievances is the separation of the township of York from the county of York for all purposes except judicial and registration purposes, and the constitution of a new municipality, comprising within its limits the territory comprised within the limits of the said township of York, and conferring upon said 5 new municipality most of the rights, powers and privileges enjoyed by incorporated cities and towns under the provisions of the Municipal and Assessment Acts; and whereas, the said council of the township of York have by their petition represented that they require other special legislation conferring 10 upon them other special powers; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:— 15

**Incorporation
of the Town
of York.**

1. Subject as hereinafter provided, and upon the conditions hereinafter mentioned, on and after the day to be named in the proclamation of the Lieutenant-Governor of the Province of Ontario also hereinafter provided for in the 9th section of this Act, the inhabitants of the township of York shall be 20 and are hereby constituted a corporation or body politic under the name of "The Municipal Corporation of the Town of York," and shall enjoy and have all the rights, powers and privileges which could have been exercised and enjoyed by the said town of York had the said township of York been 25 an incorporated village erected and incorporated into a town under the provisions of *The Municipal Act*, except where otherwise provided in this Act.

Boundaries.

2. The limits of the said town of York shall be the present limits of the township of York, and the town shall comprise 30 and consist of the present township of York.

**Constitution
of Council.**

3. The council of the said town of York shall consist of a mayor, who shall be the head thereof, and four councillors, all of whom shall be elected annually by the general vote of the duly qualified electors of the said town. 35

**Municipal
laws to apply.**

4. Except as otherwise provided by this Act, the provisions of the Revised Statutes of Ontario, 1897, and amending Acts, respecting municipal institutions, with regard to matters consequent upon the formation of new corporations, and the other provisions of the said statutes applicable to the erection of an 40 incorporated village into a town under the said statutes, and to the town so erected, shall apply to the said town of York in the same manner as they would have been applicable had the said township of York been an incorporated village and been erected into a town under the provisions of the said 45 statutes.

5. The several persons who shall be elected or appointed under this Act, including the said mayor and four councillors respectively as hereinafter provided, shall take the declarations of office and qualification now required by *The Municipal Act* and the laws of Ontario to be taken by persons elected or appointed to like offices in towns incorporated under the provisions of the said Act.

Oaths of office and qualification.

R.S.O. c. 223.

6. At the first election of mayor and councillors for the said town of York after this Act shall have come into force and effect, the qualification of electors and that of mayor and councillors shall be the same as that required on the part of electors, reeve and councillors in townships by the said *Municipal Act*.

Qualification of electors and members of council at first election.

R.S.O. c. 223.

7. The assessment rolls and voters' lists of the township of York for the year in which this Act shall come into force, as finally revised for that year, shall be and continue to be the assessment rolls and voters' lists for the said town of York for all purposes until a new assessment shall have been made and new assessment rolls and voters' lists shall have been prepared and finally revised under and in pursuance of the provisions of the Municipal and Assessment Acts and *The Ontario Voters' Lists Act*, and amending Acts.

The last revised assessment rolls and voters' lists of Township of York to be the assessment rolls and voters' lists for Town of York until new rolls and lists have been prepared.

8. The reeve and four councillors who shall have been elected for the township of York at the last municipal elections preceding the time when this Act shall come into force as hereinafter provided shall be respectively the mayor and four councillors and shall constitute the council for the town of York for the remainder of that year, and until their successors shall have been duly elected under the provisions of *The Municipal Act* as amended by this Act for the year succeeding the said year.

Reeve and councillors of Township of York to be first mayor and councillors for the Town of York.

9.—(1). Sections 1 to 8 of this Act shall not come into force until a by-law shall have been duly passed by the council of the township of York, with the assent of the electors entitled to vote at municipal elections, obtained under the provisions of *The Municipal Act* relating to voting on by-laws requiring the assent of electors before the final passing thereof; which by-law shall affirm the desirability of erecting the said township of York into a town under the provisions of this Act; nor until a proclamation of the Lieutenant-Governor in Council shall have been duly published in the *Ontario Gazette* naming a day when the said by-law shall take effect.

When and how this Act shall come into force under by-law and proclamation.

(2) The said council may also at the same time and in the same manner submit to the electors a by-law to provide that the said town of York shall be separated from the jurisdiction of the county of York for all purposes except judicial and registration purposes, and upon the passing of the said by-law

By-law may provide for withdrawal of Town of York from jurisdiction of County of York.

the same shall have the same force and effect as if the said township had been a town and the said by-law had been passed pursuant to the provisions of section 27 of *The Municipal Act*, and no further or other by-law shall require to be passed, or proclamation to be made, to erect the township into a town separated from the county of York and withdrawing the said town of York from the jurisdiction of the county of York; and the said section shall apply to the separation of the said town from the said county in the same manner and to the same extent, subject to the provisions of this Act, as in the case of a town separated from the county, under the provisions of the said section 27.

Official arbitrator to settle all disputes and claims.

10. After this Act shall have come into force and effect in manner above provided, all claims, disputes and differences theretofore existing and unsettled between the said township of York and the county of York, and all disputes, claims and differences which may at any time thereafter arise between the said town of York and the county of York, the towns of North Toronto and Toronto Junction and the city of Toronto, or any or either of them, respecting any matter or thing arising out of or consequent upon the erection of the said township of York into an incorporated town, or the withdrawal of the said town of York from the jurisdiction of the county of York, or touching any of the matters mentioned in the said section 27 of *The Municipal Act*, or otherwise howsoever, shall, in the event of the parties not being able to agree, be referred to and finally determined by the arbitration and award of the Official Arbitrator for the time being and acting under the provisions of *The Municipal Arbitrations Act*, who shall, for the purpose of determining every such dispute and difference and settling every such claim and making his award thereon, have and exercise all the powers conferred upon him by the said Act as if the said claims and differences had been specially mentioned or provided for in the said Act, and in case of any such arbitration the said Official Arbitrator shall have power to award costs as he may think fit; and the said Official Arbitrator shall, for the purposes of this Act, be substituted for the arbitrators mentioned in the said section 27 of *The Municipal Act*.

58 Vic. cap. 94, 59 Vic. cap. 58 and 60 Vic. cap. 84 to apply to Town of York.

11. Nothing contained in this Act shall be construed to repeal the Act passed in the 58th year of Her Majesty's reign, chaptered 94, the Act passed in the 59th year of Her Majesty's reign, chaptered 58, the Act passed in the 60th year of Her Majesty's reign, chaptered 84, or any other special or general Act relating to the township of York, unless the same is hereby specially repealed; and every such Act shall, after this Act comes into force, apply to the said town of York as fully and effectually to all intents and purposes as to said township of York; and all special powers and privileges heretofore conferred upon the said township of York are hereby continued and shall belong to the said town of York.

12. Notwithstanding anything in this Act or *The Public Schools Act* or *The Municipal Act* or *Assessment Act* or any other Act contained, the territory comprised within the limits of the said town of York as defined by section 2 of this Act shall remain as rural school territory, and the present division into school sections and union school sections as the case may be shall remain as at present constituted until otherwise enacted; and the said territory shall be governed by the law relating to rural public schools as if this Act had not been passed; and the provisions of *The Public Schools Act* relating to urban school boards shall not apply to the said town of York or to the territory comprised therein; but the council of the said town of York may by by-law appoint an inspector of public schools, and, upon such appointment being made and a copy of the by-law making such appointment being served upon the warden or clerk of the county of York, the public schools comprised within the limits of the said town of York shall be excluded and withdrawn from the jurisdiction of the public school inspectors appointed by the said county of York, and the said town of York shall not be liable for any part of the charges for public school inspection incurred by the said county.

Schools in the Town of York to remain rural schools.

13. The expenses incurred in obtaining this Act, and all other charges and expenses consequent thereon, and of erecting the said Township of York into an incorporated town, shall (except as to the costs of disputed claims which shall be in the discretion of the Official Arbitrator as above provided) be borne by the said township of York and the said town of York respectively when the latter shall have become duly incorporated under the provisions of this Act, and shall be paid by them to the parties entitled thereto.

How expenses of obtaining this Act are to be borne.

14. Section 3 of chapter 94 of the Act passed in the 58th year of Her Majesty's reign, is hereby amended by adding at the end of the said section the words following, namely, "Provided that nothing in the Municipal or Assessment Acts, or any amending Act or Acts, shall be construed to prohibit or to have prohibited the said council from appointing as Assessment Commissioner for the said township the clerk thereof."

58 Vic. cap. 94 sec. 3 amended.

15. The provisions contained in section 147 of *The Assessment Act* requiring the collector to forward a duplicate of the return to the clerk of the municipality, and that the clerk shall mail a notice to each person appearing on the roll with respect to whose lands taxes appear to be in arrear for that year, shall not apply to the township of York; but, in lieu thereof, the treasurer shall give notice by the said section required to be given by the clerk.

Sec. 147 of Assessment Act to apply to Township of York.

Sec. 540, s. s. 6,
& sec. 559, s. s. 9
of *The Municipal Act* & sec.
174 of *The Assessment Act*
& 61 Vic., cap.
25, sec. 3, to
apply to
Township of
York.

60 Vic., cap.
84, sec. 3 re-
pealed and
new section
enacted.

Authority to
issue new de-
bentures to
retire out-
standing pub-
lic school de-
bentures, with
consent of
holders, pay-
able in 30
years.

16. The council of the township of York may pass by-laws for the purposes mentioned in sub section 6 of section 540 and sub-section 9 of section 559 of *The Municipal Act*, and section 174 of *The Assessment Act*, as amended by 61 Victoria, chapter 25, section 3.

5

17. Section 3 of the Act passed in the 60th year of Her Majesty's reign, entitled, *An Act respecting the Township of York* and chaptered 84, is hereby repealed, and the following substituted therefor :

(3) The corporation of the township of York may, upon 10
the request of the board of trustees of any school section in
said municipality, with the consent of the holders of the de-
bentures of any such section, pass a by-law for authorizing the
issue of public school debentures of any such school section for
a sum not exceeding the sum then owing for principal money 15
to the holders of the debentures of any such section, for the
purpose of redeeming the outstanding debentures of any such
section, such new debentures to be payable in 30 or any less
number of annual instalments in accordance with the provi-
sions of section 386 of *The Municipal Act*.

20

To extend bor-
rowing powers
in anticipation
of collection of
taxes for the
year.

18.—(1) Notwithstanding anything contained in subsection 2 of section 435 of *The Municipal Act*, as amended by 61 Victoria, chapter 23, section 16, subsection 1, the amount borrowed and outstanding under the provisions of sub section 1 of section 435 of the said Act, shall not, in the case of the 25
municipality of the township of York, exceed 80 per cent. of
the amount levied as taxes to pay the ordinary current expen-
ture of the municipality in the preceding municipal year.

61 Vic., cap.
23, s. 16, s. s. 2,
repealed in so
far as relates
to the Town-
ship of York.

(2) Subsection 2 of section 16 of chapter 23 of the Act passed in the 61st year of Her Majesty's reign, in so far as the 30
same affects the township of York, is hereby repealed.

Arrears of
taxes prior to
59 Vic., cap.
58, County
Treasurer to
account.

19. The treasurer of the county of York shall within one month after demand made upon him in writing, signed by the reeve and clerk of the township of York, furnish the treasurer of the said township with a detailed statement 35
shewing the various amounts collected by him in his capacity
as county treasurer for arrears of taxes due against lands
within the said township, for what years and against what
lands the amounts so collected were due, the amounts paid
over to the township of York, the dates of such payment, and 40
the general balance of account.

Township of
York may as-
sume out-
standing de-
bentures of
County of
York, issued
on credit of

20.—(1) The corporation of the township of York may, by
by-law passed by the council of the said township, assume
the unpaid debentures issued by the county of York upon
the credit of the Non Resident Land Fund, and may by said 45
by-law authorize the reeve and clerk of the said township to
execute a bond in favor of the treasurer of the county of York

and of the said county, guaranteeing therein the due payment by the said township of the said debentures remaining unpaid at the time of the settlement of the accounts between the said township and the said county; and may by by-law provide for the issue and sale of debentures to pay the balance which may, on the adjustment of accounts between the said township and county, be found owing to the said county, and a portion of such debentures shall be made payable in each year for a period not exceeding twenty years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for the principal and interest in each of the other years of the period within which the debt is to be discharged; and the said county treasurer shall, immediately after the settlement and determination of the account between the said township and county and the receipt of the said bond, pay over to the said township all moneys collected by him for arrears of taxes due to the said township.

Non-resident
Land Tax un-
collected.

(2) It shall not be necessary to obtain the assent of the electors to any by-law passed by the council of the township of York for the issue of debentures under this section, nor to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Assent of elec-
tors not neces-
sary.

21. Should any dispute or difference arise between the said township of York and county of York respecting any claim, matter or thing arising out of or consequent upon the withdrawal by the said township from the said county treasurer of the sale of lands for taxes and the adjustment of accounts between them, such dispute shall be settled by the Official Arbitrator appointed under the provision of the Act, chapter 227 of the Revised Statutes of Ontario, 1897, who shall, for the purpose of determining every such dispute, claim or difference, have and exercise all the powers conferred upon him by the said Act, as if the said difference had been specially mentioned or provided for in the said Act.

Official arbi-
trator to de-
termine dis-
putes.

R.S.O. 227.

22. Should there be at the time of the adjustment of the accounts between the county of York and the township of York under the last preceding section arrears of taxes due against any lands within the said township according to the statement furnished to the said county treasurer by the said township treasurer under the provision of section 157 of *The Assessment Act* which have not been collected, and the lands against which the same are due have not for any reason been offered for sale by the said treasurer, the said county treasurer shall furnish a list of all such lands to the said township treasurer, and the said lands may be offered for sale by the said township treasurer, and no such sale by the said township treasurer shall be deemed invalid by reason of any mistake, default or omission of the said county treasurer theretofore made.

County trea-
surer to fur-
nish township
treasurer with
schedule of
lands.

County treasurer to furnish list of lands sold but not yet conveyed.

23.—(1) The treasurer of the county of York shall, within ten days after demand made upon him in writing signed by the treasurer of the township of York, furnish the said township treasurer with a list of all lands which have been sold by the said county treasurer for arrears of taxes due the said township, and for which certificates of sale have been issued by the said county treasurer to the respective purchasers of such lands, and against which lands the taxes at the time of the furnishing of the said statement are still unpaid, and the deeds for which have not at the time of the aforesaid demand been issued; and the said county treasurer shall hand over to the said township treasurer all books, papers, receipts, memoranda, and correspondence in any way relating to the above lands mentioned in this and the next preceding section.

Township to issue deeds.

(2) The warden and treasurer of the said county of York shall not, after the furnishing of the list mentioned in subsection 1 of this section, issue any deeds of the lands mentioned in the next preceding subsection; but, in lieu thereof, the reeve and treasurer of the said township shall execute and issue such deeds.

Township of York may apply school fund moneys to other purposes.

24. The fund known as the school fund moneys, being composed of moneys received by the township of York from the sale of clergy reserve lands and moneys received under the provisions of the Act passed in the 36th year of Her Majesty's reign entitled *An Act respecting the Municipal Loan Fund Debts and respecting certain payments to Municipalities*, chapter 47, and amendments thereto contained in 38 Victoria, chapter 29, and which have, by by-law of the said township under the provisions of the said Act, been set apart for school purposes, may be appropriated or set apart, by by-law passed by the council of the said township, for any other purpose or purposes within the purview of the said Act, or for the payment of any general debenture debts due by the said township.

Township may borrow from the sinking fund in anticipation of the collection of yearly rates, when sinking fund not invested.

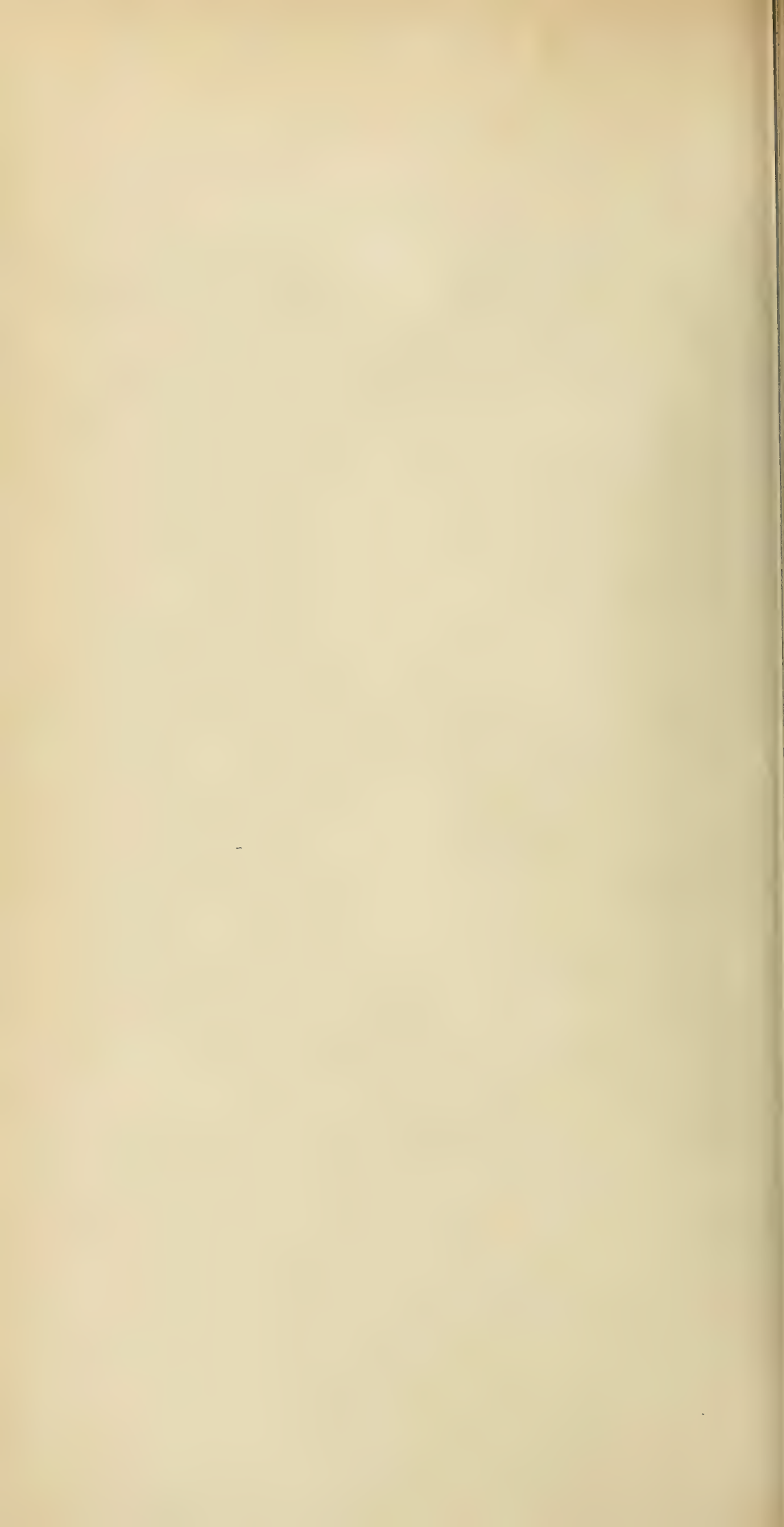
25. The council of the township of York may, by by-law passed by the council thereof for that purpose, borrow and use any of the sinking fund money belonging to the said township (which are not invested in debentures) for the purpose of paying the ordinary current expenditure of the said township; and the treasurer of the said township, on or before the 31st day of December in each and every year, out of the moneys collected by him for taxes for that year, shall restore to the sinking fund or funds the amounts so borrowed from them, together with interest thereon at the rate of 3 per cent. per annum.

Township of York to have control over all highways, roads and bridges for all purposes, and

26.—(1) From and after the passing of this Act the council of the said township of York shall have exclusive jurisdiction and control over all highways, roads and bridges situate within the limits of the said township for all purposes, including the right to authorize the occupation and use thereof by street

railways, tramways, electric and other railways, and by telegraph, telephone, electric light, power, gas and heating companies; and the said council shall have the same powers as a town to pass by-laws for the several purposes mentioned in subsections 1 and 2 of section 557 and subsections 4, 5, 7, 8 and 9 of section 559 of *The Municipal Act*.

(2) With respect to any agreements heretofore entered into between the county of York and any of the above named companies for the use and occupation of any of such roads, highways and bridges in the said township of York, the said township shall be entitled, as respects so much of the works and property of every such company as are situate within the limits of the said township and the operation of the same to the benefit of all covenants contained in any such agreements, and the right to enforce the observance thereof by the said companies, in the same manner and to the same extent, and by the same means and with the same remedies, in case of the non-observance or non-fulfilment of the said covenants or conditions, as the said county of York now has, as if the said township of York has been made a party to every such agreement in the first instance.



BILL.

An Act respecting the Township of York
and to Incorporate the Town of York.

First Reading, 1899.

(Private Bill.)

MR. HILL.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 40.]

BILL.

[1899.

An Act respecting the Township of York.

WHEREAS, the council of the township of York have Preamble.
by their petition represented that they require
special legislation conferring upon them special powers;
and whereas, it is expedient to grant the prayer of the said
petition;

Therefore, Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Section 3 of chapter 94 of the Act passed in the 58th 58 Vic. cap. 94
year of Her Majesty's reign, is hereby amended by adding sec. 3 amended.
at the end of the said section the words following, namely,
“Provided that nothing in the Municipal or Assessment Acts,
or any amending Act or Acts, shall be construed to prohibit or
to have prohibited the said council from appointing as Asses-
ment Commissioner for the said township the clerk thereof.”

2. The provisions contained in section 147 of *The Assess-* Sec. 147 of As-
ment Act requiring the collector to forward a duplicate of the essment Act
return to the clerk of the municipality, and that the clerk to apply to
shall mail a notice to each person appearing on the roll with Township of
respect to whose lands taxes appear to be in arrear for that York.
year, shall not apply to the township of York; but, in lieu
thereof, the treasurer shall give the notice, by the said section
required to be given by the clerk.

Sec. 540, s.s. 6, & sec. 559, s.s. 9 of *The Municipal Act* & sec. 174 of *The Assessment Act* & 61 Vic., cap. 25, sec. 3, to apply to Township of York.

60 Vic., cap. 84, sec. 3 repealed and new section enacted.

Authority to issue new debentures to retire outstanding public school debentures, with consent of holders, payable in 30 years.

3. The council of the township of York may pass by-laws for the purposes mentioned in sub-section 6 of section 540 and sub-section 9 of section 559 of *The Municipal Act*, and section 174 of *The Assessment Act*, as amended by 61 Victoria, chapter 25, section 3.

4. Section 3 of the Act passed in the 60th year of Her Majesty's reign, entitled, *An Act respecting the Township of York* and chaptered 84, is hereby repealed, and the following substituted therefor :

(3) The corporation of the township of York may, upon the request of the board of trustees of any school section in said municipality, with the consent of the holders of the debentures of any such section, pass a by law for authorizing the issue of public school debentures of any such school section for a sum not exceeding the sum then owing for principal money to the holders of the debentures of any such section, for the purpose of redeeming the outstanding debentures of any such section, such new debentures to be payable in 30 or any less number of annual instalments in accordance with the provisions of section 386 of *The Municipal Act*.

To extend borrowing powers in anticipation of collection of taxes for the year.

5.—(1) Notwithstanding anything contained in subsection 2 of section 435 of *The Municipal Act*, as amended by 61 Victoria, chapter 23, section 16, subsection 1, the amount borrowed and outstanding under the provisions of sub-section 1 of section 435 of the said Act, shall not, in the case of the municipality of the township of York, exceed 80 per cent. of the amount levied as taxes to pay the ordinary current expenditure of the municipality in the preceding municipal year.

61 Vic., cap. 23, s. 16, s.s. 2, repealed in so far as relates to the Township of York.

(2) Subsection 2 of section 16 of chapter 23 of the Act passed in the 61st year of Her Majesty's reign, in so far as the same affects the township of York, is hereby repealed.

Arrears of taxes prior to 59 Vic., cap. 58, County Treasurer to account.

6. The treasurer of the county of York shall within a reasonable time after demand made upon him in writing, signed by the reeve and clerk of the township of York, ^{and} at the expense of the Township of York, to be fixed in the event of dispute by the official arbitrator hereinafter named, ^{and} furnish the treasurer of the said township with a detailed statement shewing the various amounts collected by him in his capacity as county treasurer for arrears of taxes due against lands within the said township, for what years and against what lands the amounts so collected were due, the amounts paid over to the township of York, the dates of such payment, and the general balance of account.

Township of York may assume outstanding debentures of

7.—(1) The corporation of the township of York may, by by-law passed by the council of the said township, assume the unpaid debentures issued by the county of York upon the credit of the Non Resident Land Fund, and may by said

by-law authorize the reeve and clerk of the said township to execute a bond in favor of the treasurer of the county of York and of the said county, guaranteeing therein the due payment by the said township of the said debentures remaining unpaid at the time of the settlement of the accounts between the said township and the said county; and may by by-law provide for the issue and sale of debentures to pay the balance which may on the adjustment of accounts between the said township and county, be found owing to the said county, and a portion of such debentures shall be made payable in each year for a period not exceeding *eight* years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for the principal and interest in each of the other years of the period within which the debt is to be discharged; and the said county treasurer shall, immediately after the settlement and determination of the account between the said township and county and the receipt of the said bond, pay over to the said township all moneys collected by him for arrears of taxes due to the said township.

County of York, issued on credit of Non-resident Land Tax uncollected.

(2) It shall not be necessary to obtain the assent of the electors to any by-law passed by the council of the township of York for the issue of debentures under this section, nor to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Assent of electors not necessary.

8. Should any dispute or difference arise between the said township of York and county of York respecting any claim, matter or thing arising out of or consequent upon the withdrawal by the said township from the said county treasurer of the sale of lands for taxes and the adjustment of accounts between them, such dispute shall be settled by the Official Arbitrator appointed under the provision of the Act, chapter 227 of the Revised Statutes of Ontario, 1897, who shall, for the purpose of determining every such dispute, claim or difference, have and exercise all the powers conferred upon him by the said Act, as if the said difference had been specially mentioned or provided for in the said Act.

Official arbitrator to determine disputes.

R.S.O. 227.

9. Should there be at the time of the adjustment of the accounts between the county of York and the township of York under the last preceding section arrears of taxes due against any lands within the said township according to the statement furnished to the said county treasurer by the said township treasurer under the provision of section 157 of *The Assessment Act* which have not been collected, and the lands against which the same are due have not for any reason been offered for sale by the said treasurer, the said county treasurer shall furnish a list of all such lands to the said township treasurer, and the said lands may be offered for sale by the said township treasurer, and no such sale by the said

County treasurer to furnish township treasurer with schedule of lands.

township treasurer shall be deemed invalid by reason of any mistake, default or omission (*if any*) of the said county treasurer theretofore made.

Township of York may apply school fund moneys to other purposes.

10. The fund known as the school fund moneys, being composed of moneys received by the township of York from the sale of clergy reserve lands and moneys received under the provisions of the Act passed in the 36th year of Her Majesty's reign entitled *An Act respecting the Municipal Loan Fund Debts and respecting certain payments to Municipalities*, chapter 47, and amendments thereto contained in 38 Victoria, chapter 29, and which have, by by-law of the said township under the provisions of the said Act, been set apart for school purposes, may be appropriated or set apart, by by-law passed by the council of the said township, for *school* purposes within the purview of the said Act, or for the payment of any *school* debenture debts due by the said township ^{or} or by any school section. 

Authority to enter into agreement for the transfer of Dundas street.

 **11.** The said Township of York may enter into an agreement with the Town of Toronto Junction providing for the transfer to the Township of York of that part of Dundas street lying west of the limits of the said town upon such terms as may be agreed upon between the Township of York and the said Town of Toronto Junction, and the said township and town respectively are hereby authorized and empowered to enter into such agreement. 

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act respecting the Township of York

First Reading, 21st February, 1899.

*(Reprinted as unended in Private Bills
Committee.)*

MR. HILL.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 40.]

BILL.

[1899.

An Act respecting the Township of York.

WHEREAS, the council of the township of York have Preamble.
by their petition represented that they require
special legislation conferring upon them special powers;
and whereas, it is expedient to grant the prayer of the said
petition;

Therefore, Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Section 3 of chapter 94 of the Act passed in the 58th 58 Vic. cap. 94
year of Her Majesty's reign, is hereby amended by adding sec. 3 amended.
at the end of the said section the words following, namely,
“Provided that nothing in the Municipal or Assessment Acts,
or any amending Act or Acts, shall be construed to prohibit or
to have prohibited the said council from appointing as Asses-
ment Commissioner for the said township the clerk thereof.”

2. The provisions contained in section 147 of *The Assess-* Sec. 147 of As-
ment Act requiring the collector to forward a duplicate of the essment Act
return to the clerk of the municipality, and that the clerk to apply to
shall mail a notice to each person appearing on the roll with Township of
respect to whose lands taxes appear to be in arrear for that York.
year, shall not apply to the township of York; but, in lieu
thereof, the treasurer shall give the notice, by the said section
required to be given by the clerk.

Sec. 540, s.s. 6, & sec. 559, s.s. 9 of *The Municipal Act* & sec. 174 of *The Assessment Act* & 61 Vic., cap. 25, sec. 3, to apply to Township of York.

60 Vic., cap. 84, sec. 3 repealed and new section enacted.

Authority to issue new debentures to retire outstanding public school debentures, with consent of holders, payable in 30 years.

To extend borrowing powers in anticipation of collection of taxes for the year.

61 Vic., cap. 23, s. 16, s.s. 2, repealed in so far as relates to the Township of York.

Arrears of taxes prior to 59 Vic., cap. 58, County Treasurer to account.

Township of York may assume outstanding debentures of

3. The council of the township of York may pass by-laws for the purposes mentioned in sub section 6 of section 540 and sub-section 9 of section 559 of *The Municipal Act*, and section 174 of *The Assessment Act*, as amended by 61 Victoria, chapter 25, section 3.

4. Section 3 of the Act passed in the 60th year of Her Majesty's reign, entitled, *An Act respecting the Township of York* and chaptered 84, is hereby repealed, and the following substituted therefor :

(3) The corporation of the township of York may, upon the request of the board of trustees of any school section in said municipality, with the consent of the holders of the debentures of any such section, pass a by-law for authorizing the issue of public school debentures of any such school section for a sum not exceeding the sum then owing for principal money to the holders of the debentures of any such section, for the purpose of redeeming the outstanding debentures of any such section, such new debentures to be payable in 30 or any less number of annual instalments in accordance with the provisions of section 386 of *The Municipal Act*.

5.—(1) Notwithstanding anything contained in subsection 2 of section 435 of *The Municipal Act*, as amended by 61 Victoria, chapter 23, section 16, subsection 1, the amount borrowed and outstanding under the provisions of sub section 1 of section 435 of the said Act. shall not, in the case of the municipality of the township of York, exceed 80 per cent. of the amount levied as taxes to pay the ordinary current expenditure of the municipality in the preceding municipal year.

(2) Subsection 2 of section 16 of chapter 23 of the Act passed in the 61st year of Her Majesty's reign, in so far as the same affects the township of York, is hereby repealed.

6. The treasurer of the county of York shall within a reasonable time after demand made upon him in writing, signed by the reeve and clerk of the township of York, at the expense of the Township of York, to be fixed in the event of dispute by the official arbitrator hereinafter named, furnish the treasurer of the said township with a detailed statement shewing the various amounts collected by him in his capacity as county treasurer for arrears of taxes due against lands within the said township, for what years and against what lands the amounts so collected were due, the amounts paid over to the township of York, the dates of such payment, and the general balance of account.

7.—(1) The corporation of the township of York may, by by-law passed by the council of the said township, assume the unpaid debentures issued by the county of York upon the credit of the Non Resident Land Fund, and may by said

by-law authorize the reeve and clerk of the said township to execute a bond in favor of the treasurer of the county of York and of the said county, guaranteeing therein the due payment by the said township of the said debentures remaining unpaid at the time of the settlement of the accounts between the said township and the said county; and may by by-law provide for the issue and sale of debentures to pay the balance which may, on the adjustment of accounts between the said township and county, be found owing to the said county, and a portion of such debentures shall be made payable in each year for a period not exceeding *eight* years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for the principal and interest in each of the other years of the period within which the debt is to be discharged; and the said county treasurer shall, immediately after the settlement and determination of the account between the said township and county and the receipt of the said bond, pay over to the said township all moneys collected by him for arrears of taxes due to the said township.

County of York, issued on credit of Non-resident Land Tax uncollected.

(2) It shall not be necessary to obtain the assent of the electors to any by-law passed by the council of the township of York for the issue of debentures under this section, nor to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Assent of electors not necessary.

☞(3) "In lieu of making the demand for the statement mentioned and provided for in section 6 of this Act the council of the Township of York may, by by-law, to be duly passed for that purpose appoint an auditor or auditors to make a special audit of the books and accounts of the County of York and of the treasurer of the said county, in so far as the same relate to the Township of York and the collection of the arrears of taxes and the sale of lands for arrears of taxes in the said township heretofore had, and the said county and the treasurer thereof shall upon ten days' notice to be given by the said auditor or auditors produce at the office of the said treasurer all books, books of account, accounts, papers, writings and documents relating to said matters and permit the said auditor or auditors to examine the same and afford the said auditor or auditors during office hours all proper facilities for the purpose of enabling him or them to make said audit."

And the said township shall make due compensation to the said treasurer for any additional services which may be imposed upon him and for any costs and charges for extra assistance which he may be obliged to incur by reason of the said audit, the same to be fixed in the event of dispute by the official arbitrator hereinafter named. ☞

8. Should any dispute or difference arise between the said township of York and county of York respecting any claim, matter or thing arising out of or consequent upon the with-

Official arbitrator to determine disputes.

R.S.O. 227.

drawal by the said township from the said county treasurer of the sale of lands for taxes and the adjustment of accounts between them, such dispute shall be settled by the Official Arbitrator appointed under the provision of the Act, chapter 227 of the Revised Statutes of Ontario, 1897, who shall, for the purpose of determining every such dispute, claim or difference, have and exercise all the powers conferred upon him by the said Act, as if the said difference had been specially mentioned or provided for in the said Act.

County treasurer to furnish township treasurer with schedule of lands.

9. Should there be at the time of the adjustment of the accounts between the county of York and the township of York under the last preceding section arrears of taxes due against any lands within the said township according to the statement furnished to the said county treasurer by the said township treasurer under the provision of section 157 of *The Assessment Act* which have not been collected, and the lands against which the same are due have not for any reason been offered for sale by the said treasurer, the said county treasurer shall furnish a list of all such lands to the said township treasurer, and the said lands may be offered for sale by the said township treasurer, and no such sale by the said township treasurer shall be deemed invalid by reason of any mistake, default or omission (*if any*) of the said county treasurer theretofore made.

Township of York may apply school fund moneys to other purposes.

10. The fund known as the school fund moneys, being composed of moneys received by the township of York from the sale of clergy reserve lands and moneys received under the provisions of the Act passed in the 36th year of Her Majesty's reign entitled *An Act respecting the Municipal Loan Fund Debts and respecting certain payments to Municipalities*, chapter 47, and amendments thereto contained in 38 Victoria, chapter 29, and which have, by by-law of the said township under the provisions of the said Act, been set apart for school purposes, may be appropriated or set apart, by by-law passed by the council of the said township, for *school* purposes within the purview of the said Act, or for the payment of any *school*, debenture debts due by the said township ⁴² or by any school section. ⁷²

Authority to enter into agreement for the transfer of Dundas street.

 **11.** The said Township of York may enter into an agreement with the Town of Toronto Junction providing for the transfer to the Township of York of that part of Dundas street lying west of the limits of the said town upon such terms as may be agreed upon between the Township of York and the said Town of Toronto Junction, and the said township and town respectively are hereby authorized and empowered to enter into such agreement. 

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Township of York

First Reading, 21st February, 1899.
Second Reading, 13th March, 1899.

(*Reprinted as amended in Committee of
the Whole.*)

MR. HILL.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to consolidate certain Debts of the Town
of Simcoe.

WHEREAS the corporation of the Town of Simcoe have Preamble.
by their petition represented that they have incurred
debts and liabilities for the purpose of granting aid to Wool-
len Mills, for Public School purposes, for Railway Aid, for
5 Fire Protection and for Market Buildings, the particulars
of which are shown in Schedule "C" hereto, for which
amount debentures of the said town have from time to time
been issued under the authority of various by-laws, and are
also indebted to the extent of \$9,000, for floating liabilities
10 and that no funds except a sinking fund of \$5,000 have
been provided by way of sinking fund or otherwise, for
redeeming the said debentures or any portion thereof, save
and except the annual interest, and no fund has been provided
for payment of the said floating debt; and whereas the said
15 Corporation have represented that the payments to be made
on account of the said debenture debts and the said floating
debt would be unduly oppressive to the ratepayers; and
whereas the said corporation have by their petition prayed
that the said debenture debt of \$35,000, and the said float-
20 ing debt of \$9,000, may be consolidated, and that they may
be authorized to issue debentures for that purpose, less the
sum of \$5,000, the amount of the said sinking fund, which
they have asked to be allowed to apply in reduction of the
said consolidated debenture debt, before issuing debentures
25 therefor in such manner as may be most advantageous; and
whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Debts consolidated at \$44,000.

1. The said debts of the said Town of Simcoe are hereby consolidated at the sum of \$44,000, and it shall be lawful for the corporation of the said Town of Simcoe to raise by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued from any person or persons or body corporate, a sum sufficient or sufficient sums to retire the said debentures amounting to \$35,000 as they respectively become due and to pay off the other debts amounting to \$9,000, first however having reduced the said debenture debt by the sum of \$5,000, the amount of the said Sinking Fund belonging to the said Corporation. The amount for which debentures are to be issued not exceeding in the whole the sum of \$39,000, exclusive of interest thereon.

Issue of debentures authorized.

2. It shall be lawful for the said corporation of the Town of Simcoe, from time to time, to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums not less than \$100, and not exceeding \$39,000, in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable at such place or places as the said corporation may deem expedient and may be expressed in either sterling money of Great Britain or currency of Canada.

Power to raise money on debentures.

3. The corporation of the said town may, for the purposes in section seven hereof mentioned raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of the said debentures from time to time as they may deem expedient.

Term of debentures.

4. The said debentures shall be payable in not more than thirty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of September in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding four and one-half per cent. per annum.

Payment of debentures and interest.

5. The said debentures to be issued under this Act shall be made payable in each year for a period not exceeding thirty years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

6. It shall be lawful for the said corporation to levy, in Special rate. addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called the "Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

7. The said debentures and all moneys arising therefrom Application of debentures. and the said sinking fund of \$5,000, shall be applied by the said corporation in the redemption of the said debentures of the Town of Simcoe now outstanding amounting to \$35,000, and in payment of the said debt of \$9,000, all of which are set out in Schedule "C" hereto, and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

8. The treasurer of the said town, shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same first with said sinking fund as far as possible and then with funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures, or any of them, hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures. Power to call in out-standing debentures.

9. It shall not be necessary to obtain the assent of the electors of the said Town of Simcoe for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*. Assent of electors to by-laws not required. R.S.O. c. 223.

10. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon, shall be paid and satisfied. By-law not to be repealed until debt paid.

11. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time, be Treasurer to keep book showing state of debenture account.

made of the said amounts; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures. 5

Liability of
corporation
not affected.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Simcoe from any indebtedness or liability which may not be included in the said debts of the said town. 10

Form of de-
bentures and
by-laws.

13. The debentures to be issued under this Act may be in the form contained in Schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form contained in Schedule "B" to this Act.

Inconsistent
enactments
not to apply.

14. Any provisions in the Act respecting municipal institu- 15
tions in the Province of Ontario, which are or may be incon-
sistent with the provisions of this Act, or any of them, shall
not apply to the by-law or by-laws to be passed by the said
corporation under the provisions of this Act, and no irregu-
larity in the form of the said debentures or any of them 20
authorized to be issued by this Act, or in any by-law or by-laws
authorizing the issuing thereof, shall render the same invalid
or illegal or be allowed as a defence to any action brought
against the corporation for the recovery of the amount of the
said debentures and interest or any or either of them or any 25
part thereof, and the purchaser or holder thereof, shall not be
bound to enquire as to the necessity of passing such by-law or
by-laws or issue of debentures, or as to the application of the
proceeds thereof.

Irregularity
in form not to
invalidate de-
bentures.

Short title.

15 This Act may be cited as *The Simcoe Debenture Act* 30
1899.

SCHEDULE A.

(Section 13.)

No.

§

CONSOLIDATED DEBT DEBENTURE.

Province of Ontario, Town of Simcoe.

Under and by virtue of *The Simcoe Debenture Act, 1899*, and By-law
No. of the Corporation of the Town of Simcoe passed under the
provisions contained in the said Act, the Corporation of the Town of
Simcoe promise to pay to bearer at in the sum
of on the day of A.D. and the
yearly coupons hereto attached as the same shall severally become due.

Dated at Simcoe in the County of Norfolk this day of
A.D.

A. B., Mayor.
C. D., Treasurer.

SCHEDULE B.

(Section 13.)

By-law No. to authorize the issue of debentures under the
authority of *The Simcoe Debenture Act, 1899.*

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$ in the whole, as the Corporation of the Town of Simcoe may in pursuance of and in conformity with the provisions of the said Act direct. And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ payable on the day of and on the day of (or as the case may be) with interest thereon at the rate of per centum per annum, payable yearly according to the coupons, to the said debentures attached. And whereas the amount of the whole rateable property of the said Town of Simcoe according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and was \$.

Therefore the Corporation of the Town of Simcoe enacts as follows :—

1. Debentures under the said Act, and for the purposes mentioned therein to be known as Consolidated Debt Debentures, to the extent of the sum of \$ are hereby authorized and directed to be issued.

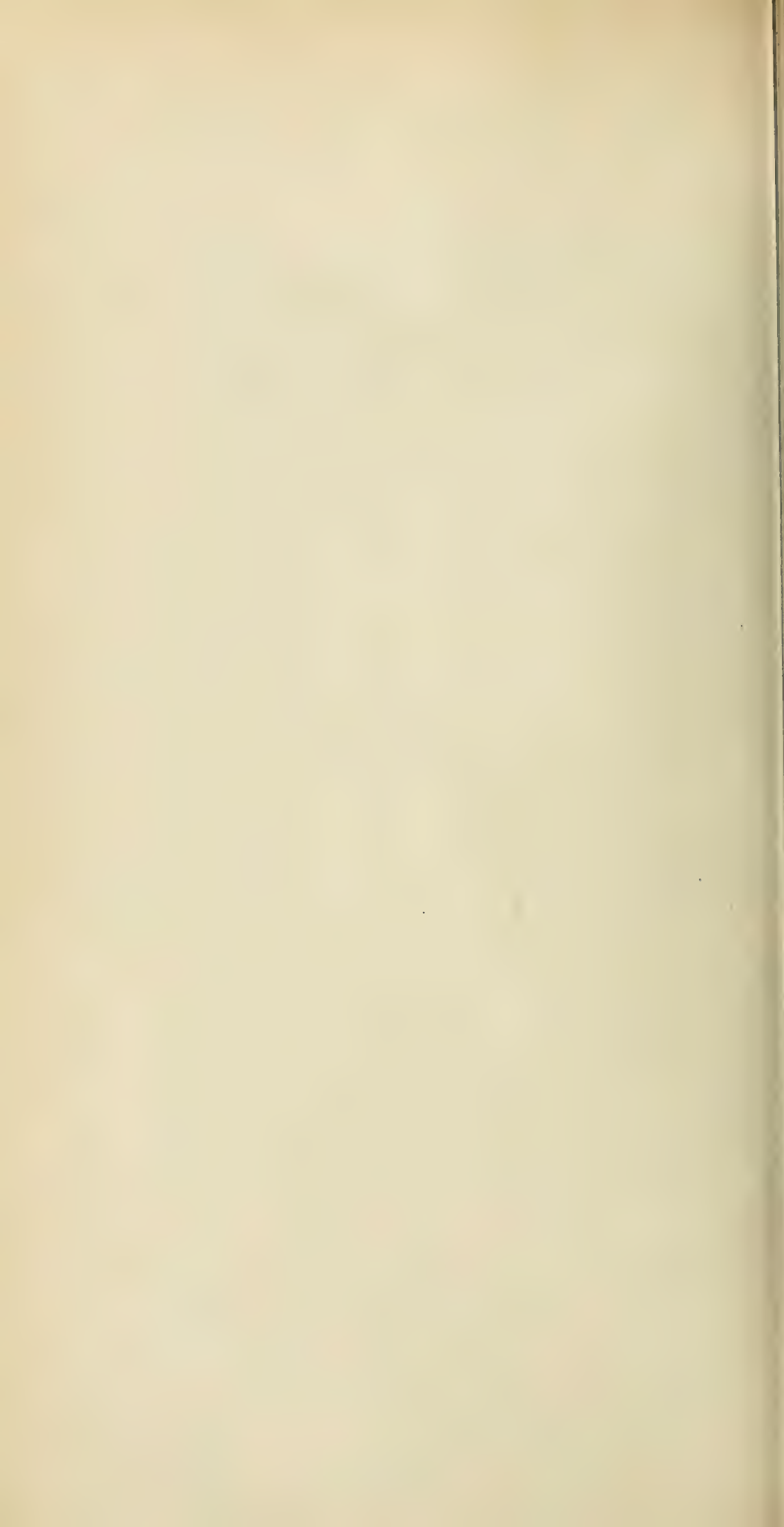
2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per centum per annum, payable yearly on the day of in each year.

This by-law passed in open council this day of in the year of our Lord one thousand hundred and .

SCHEDULE C.

(Section 7.)

Woollen Mills Debentures	\$6,000 00
School Debentures (first series).....	5,500 00
Port Dover & Lake Huron Railway Debentures	10,000 00
Fire Protection Debentures	7,000 00
Public School Debentures (second series).....	3,500 00
Market Building Debentures	3,000 00
Floating Debt.....	9,000 00
	\$44,000 00



BILL.

An Act to Consolidate certain Debts of
the Town of Simcoe.

First	Reading,	1899.
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MR. CARPENTER.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 41]

BILL

[1899.

An Act to consolidate certain Debts of the Town of Simcoe.

WHEREAS the *municipal* corporation of the Town of Preamble. Simcoe have by their petition represented that they have incurred debts and liabilities for the purpose of granting aid to woollen mills, for public school purposes, for railway aid, for fire protection and for market buildings, the particulars of which are shown in Schedule "C" to *this Act*, for which amount debentures of the said town have from time to time been issued under the authority of various by-laws, and ~~and~~ that the said corporation ~~are~~ are also indebted to the extent of \$9,000, for floating liabilities ~~and~~ which sum of \$9,000: mainly consists of payments made on account of the debentures issued for aiding the said woollen mills, the sinking fund therefor not having been regularly provided: ~~and~~ and that no funds except a sinking fund of \$5,000 have been provided by way of sinking fund or otherwise, for redeeming the said debentures or any portion thereof, save and except the annual interest, and no fund has been provided for payment of the said floating debt; and whereas the said Corporation have represented that the payments to be made on account of the said debenture debts and the said floating debt would be unduly oppressive to the ratepayers; and whereas the said corporation have by their petition prayed that the said debenture debt of \$35,000, and the said floating debt of \$9,000, may be consolidated, and that *the said corporation* may be authorized to issue debentures for that purpose, less the sum of \$5,000, the amount of the said sinking fund, which

they have asked to be allowed to apply in reduction of the said consolidated debenture debt, before issuing debentures therefor in such manner as may be most advantageous ; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Debts consolidated at \$44,000.

1. The said debts of the said Town of Simcoe are hereby consolidated at the sum of \$44,000, and it shall be lawful for the corporation of the said Town of Simcoe to raise by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued from any person or persons or body corporate, a sum sufficient or sufficient sums to retire the said debentures amounting to \$35,000 as they respectively become due and to pay off the other debts amounting to \$9,000, first however having reduced the said debenture debt by the sum of \$5,000, the amount of the said Sinking Fund belonging to the said Corporation ; the amount for which debentures are to be issued not exceeding in the whole the sum of \$39,000, exclusive of interest thereon.

Issue of debentures authorized.

2. It shall be lawful for the said corporation of the Town of Simcoe, from time to time, to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums not less than \$100, and not exceeding \$39,000, in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable at such place or places as the said corporation may deem expedient and may be expressed in either sterling money of Great Britain or currency of Canada.

Power to raise money on debentures.

3. The corporation of the said town may, for the purposes in section 7 hereof mentioned raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of the said debentures from time to time as they may deem expedient.

Term of debentures.

4. The said debentures shall be payable in not more than thirty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of *December* in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding four and one-half per cent. per annum.

Payment of debentures and interest.

5. The said debentures to be issued under this Act shall be

made payable in each year for a period not exceeding thirty years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

6. The said corporation *shall* levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called the "*Simcoe Consolidated Debenture Rate*," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them. Special rate.

7. The debentures ~~to~~ to be issued under this Act ~~and~~ and all moneys arising therefrom and the said sinking fund of \$5,000, shall be applied by the said corporation in the redemption of the said debentures of the Town of Simcoe now outstanding amounting to \$35,000 and in payment of the said debt of \$9,000, all of which are set out in Schedule "C" hereto, and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "*Simcoe Consolidated Debt Debentures*." Application of debentures.

8. The treasurer of the said town, shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same first with said sinking fund as far as possible and then with funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures, or any of them, hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures. Power to call in outstanding debentures.

9. It shall not be necessary to obtain the assent of the electors of the said Town of Simcoe for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*. Assent of electors to by-laws not required. R.S.O. c. 223.

10. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon, shall be paid and satisfied. By-law not to be repealed until debt paid.

11. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular Treasurer to keep book showing state of debenture account.

statement, so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Liability of
corporation
not affected.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Simcoe from any indebtedness or liability which may not be included in the said debts of the said town.

Form of de-
bentures and
by-laws.

13. The debentures to be issued under this Act may be in the form contained in Schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form contained in Schedule "B" to this Act.

Inconsistent
enactments
not to apply.

14. Any provisions in the Act respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or in any by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder thereof, shall not be bound to enquire as to the necessity of passing such by-law or by-laws or issue of debentures, or as to the application of the proceeds thereof.

Irregularity
in form not to
invalidate de-
bentures.

Short title.

15 This Act may be cited as *The Simcoe Debenture Act*, 1899.

SCHEDULE A.

(Section 13.)

No.

CONSOLIDATED DEBT DEBENTURE

Province of Ontario, Town of Simcoe

Under and by virtue of *The Simcoe Debenture Act, 1899*, and By-law No. of the Corporation of the Town of Simcoe passed under the provisions contained in the said Act, the Corporation of the Town of Simcoe promise to pay to bearer at in the sum of on the day of A.D. and the yearly coupons hereto attached as the same shall severally become due.

Dated at Simcoe in the County of Norfolk this day of A.D.

A. B., Mayor.
C. D., Treasurer.

SCHEDULE B.

(Section 13.)

By-law No. to authorize the issue of debentures under the authority of *The Simcoe Debenture Act, 1899*.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$ in the whole, as the Corporation of the Town of Simcoe may in pursuance of and in conformity with the provisions of the said Act direct. And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ payable on the day of and on the day of (or as the case may be) with interest thereon at the rate of per centum per annum, payable yearly according to the coupons, to the said debentures attached. And whereas the amount of the whole rateable property of the said Town of Simcoe according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and was \$

Therefore the Corporation of the Town of Simcoe enacts as follows :—

1. Debentures under the said Act, and for the purposes mentioned therein to be known as Consolidated Debt Debentures, to the extent of the sum of \$ are hereby authorized and directed to be issued.

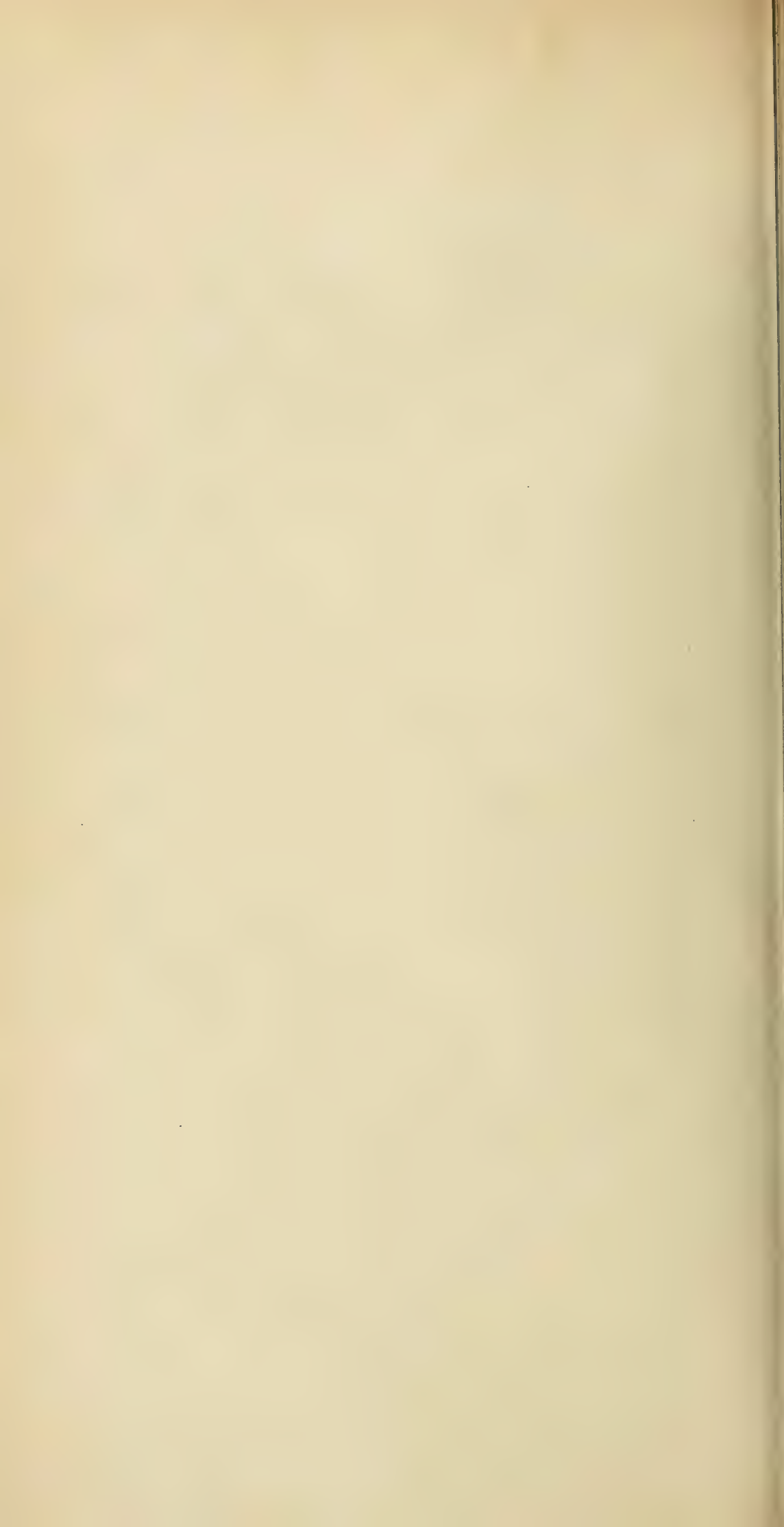
2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per centum per annum, payable yearly on the day of in each year.

This by-law passed in open council this day of in the year of our Lord one thousand hundred and

SCHEDULE C.

(Section 7.)

Woollen Mills Debentures	\$6,000 00
School Debentures (first series)	5,500 00
Port Dover & Lake Huron Railway Debentures	10,000 00
Fire Protection Debentures	7,000 00
Public School Debentures (second series)	3,500 00
Market Building Debentures	3,000 00
Floating Debt	9,000 00
	\$44,000 00



2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.
An Act to Consolidate certain Debts of
the Town of Simcoe

First Reading, February 15th, 1899.

*(Reprinted as amended in Private Bills
Committee.)*

MR. CARPENTER.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to incorporate the Toronto Hotel Company.

WHEREAS William Rees Brock, William Henry Beatty, Preamble.

Hugh N. Baird, William Henry Brouse, Duncan Coulson, L. J. Forget, George Gooderham, Edward Gurney, John Hoskin, Andrew S. Irving, Robert Jaffray, Æmilius Jarvis,
5 Simeon Heman Janes, Albert E. Kemp, John Woodburn Langmuir, Wilmot D. Matthews, Samuel Nordheimer, John Herbert Mason, Edmond B. Osler, James H. Plummer, Elias Rogers,
• Frederick Wyld, Byron E. Walker, and David R. Wilkie have petitioned for an Act to incorporate the petitioners as a com-
10 pany to be called The Toronto Hotel Company, with all such powers as to acquiring and holding lands and carrying on the business of a hotel as may be properly incidental or necessary for such company, and to confirm an agreement made between the persons, firms and corporations who are or may become
15 subscribers for the stock or other securities of the said company and George Gooderham, Edward Gurney, and Æmilius Jarvis respecting the promotion and formation of the said company, and to enable corporations to become parties to such agreement and for such other purposes as may be incidental
20 thereto; and whereas it is expedient to grant the prayer of the said petition :—

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation.

1. The said several persons are hereby constituted and declared to be a body corporate under the name of The Toronto Hotel Company.

R.S.O. c. 191, with certain exceptions to apply.

2. *The Ontario Companies Act* (Chapter 191 Revised Statutes of Ontario) shall apply and relate to the said company as if the several provisions thereof were incorporated herein, excepting sections 9, 10, 12, 14, 15, 23, 24, 98, 99, and 101, and excepting also sections 52, 58, and 59 in lieu of which respectively it is enacted as follows:—

(a) 52. The directors may, whenever they think fit, and they shall upon a requisition made in writing by the holders of not less than one-fourth of the subscribed capital stock of the company convene a special general meeting of the company.

(b) 58. The president, or in his absence the vice-president, of the company shall preside as chairman at every general meeting of the company.

(c) 59. If there is no president or vice-president present at any meeting within fifteen minutes after the time appointed for holding the meeting the shareholders present may choose some one of their number to be chairman.

20

Authority to acquire real estate.

3. The said company shall have power to acquire and hold real estate in the said City of Toronto as they may require from time to time for the purposes of a hotel, and to erect buildings thereon and to carry on the business of a hotel, and also to grant leases of such real estate for hotel purposes and of portions thereof for such other purposes as may be convenient or desirable and all such powers as may or shall be properly incidental or necessary for such company and concurrently therewith all powers conferred by *The Ontario Companies Act*.

30

Capital.

4. The capital of the said company shall be one million five hundred thousand dollars in shares of one hundred dollars each.

Number of directors.

5. The number of directors of the said company shall be as the by-laws of the company shall fix from time to time, but not less than five.

35

Provisional directors.

6. The first directors of the company shall be William Rees Brock, William Henry Beatty, Hugh N. Baird, Duncan Coulson, L. J. Forget, George Gooderham, Edward Gurney, John Hoskin, Andrew S. Irving, Robert Jaffray, Albert E. Kemp, John Woodburn Langmuir, Wilmot D. Matthews, John Herbert Mason, Edmond B. Osler, Byron E. Walker, David R. Wilkie, and Frederick Wyld.

40

Payment in stock.

7. The directors (as well before as after the meeting of the shareholders) may pay, or agree to pay, in paid-up stock or in

45

bonds of the said company, or in both, such sums as they may deem expedient to engineers or contractors or for purchase of land or material or plant or the construction or equipment of their buildings and works or any part thereof, and also for
 5 the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking and for any purpose mentioned in the agreement set out in the schedule hereto.

8. The directors shall have power to issue bonds and secure
 10 the same as provided for in the agreement set out in the schedule hereto, and any further sanction of the shareholders shall not be requisite thereto. Bonding
privileges.

9. The agreement respecting the promotion and formation
 of the said company and otherwise in respect thereof, a copy
 15 whereof is appended hereto, and marked as Schedule A, is hereby confirmed and declared to be valid and binding on all persons, firms and corporations who have become, or shall hereafter become, parties thereto, according to the tenor thereof, and the parties thereto may vary the form or detailed provisions thereof as they may see fit. Agreement
confirmed.
 20

SCHEDULE A.

(Section 2.)

THE TORONTO HOTEL COMPANY. CAPITAL \$1,500,000.

Provisional Directors: William Rees Brock, William Henry Beatty, Hugh N. Baird, Duncan Coulson, L. J. Forget, George Gooderham, Edward Gurney, John Hoskin, Andrew S. Irving, Robert Jaffray, Albert E. Kemp, John Woodburn Langmuir, Wilmot D. Matthews, John Herbert Mason, Edmond B. Osler, Byron E. Walker, David R. Wilkie and Frederick Wyld.

Trustees: The Toronto General Trusts Company and The National Trust Company, of Ontario, Limited.

Agreement made this eleventh day of January, one thousand eight hundred and ninety-nine, between the several persons, firms and corporations whose names are hereunto subscribed, hereinafter called the subscribers of the first part, and George Gooderham, Edward Gurney and Æmilius Jarvis, all of the city of Toronto, of the second part.

Whereas the said Æmilius Jarvis has been engaged in promoting the formation of a company for the purchase of land and the erection of a first-class hotel in the city of Toronto; and whereas the subscribers hereto have agreed with the said George Gooderham, Edward Gurney and Æmilius Jarvis to subscribe for stock and mortgage bonds of the company as hereinafter provided:—

Now therefore this indenture witnesseth that the said subscribers, for themselves and their respective executors and administrators or successors severally, in consideration of the promoting of the said enterprise, agree with the said George Gooderham, Edward Gurney and Æmilius

Jarvis, their executors, administrators and assigns, that upon the said company being incorporated and upon a resolution being passed by the directors declaring that in their opinion the company is in a position to effectually proceed with the said enterprise, they will pay to them or to their assigns yearly, for the period of twenty years from the first day of January, 1899, the annual sum set out in the appendix hereto executed by each subscriber respectively, the first of such payments to be made in fifteen days after the passing of the said resolution, and the subsequent payments on the second day of July in each year, commencing on the second day of July, 1900.

Upon the said company being incorporated and a resolution passed by the directors as above mentioned, the said George Gooderham, Edward Gurney and Emilius Jarvis shall assign the said several subscriptions or agreements to the said company.

And it is hereby agreed that the company shall be incorporated and its stock and bond issues arranged, and the other affairs of the company settled in the following general manner, subject to such changes as may be found expedient and be agreed to by a majority of two-thirds in value of the subscribers hereto present, in person or by proxy, at any meeting called by notice to each subscriber, mailed to his address, or supposed address, at least five days before the time appointed for such meeting.

The capital stock of said company to be one million five hundred thousand dollars, of which a sufficient number of fully paid up shares (not exceeding ten shares to each one) are to be issued to persons named as directors of the company prior to the first meeting of shareholders, to enable such persons to qualify as such directors.

The purchase of the land and erection of a hotel thereon and furnishing thereof, and other expenses and outlays which may be requisite to be made in promoting and carrying out the said enterprise, to be provided for by the issue of mortgage bonds of the company so to be formed, the same to be payable in twenty years, with interest at such rates as may be fixed by the directors, and to be secured by a mortgage or mortgages to trustees of the real and personal property (including future earnings and avails) of the said company, or such parts thereof as the directors may determine, and to be further secured by transfer to trustees of the subscription and agreement of each subscriber hereto to make the annual payments therein mentioned, the amount of bonds so to be issued to be such as may be necessary to provide or produce sufficient funds for the purposes aforesaid, the moneys provided by such annual payments to be applied (after paying thereout the fees and expenses of the said trustees) firstly, in paying the interest of the said bonds, if and so far as the net income of the company may be insufficient therefor, and then any surplus thereof in taking up or paying off such bonds to such amount or extent as may be practicable to be selected by lot.

If the directors of the company find it expedient, they may divide the issue of the said bonds into two or more classes or series, with such priorities as they may deem advisable, and with such separation of the said securities and appropriation thereof or of the separate parts or items thereof, to such classes or series of bonds respectively, all of which classes or series, if created, shall be together included in the expression "original mortgage debt" hereinafter.

For each payment made by each subscriber hereto, his or their executors and administrators or successors and assigns, there shall be issued to him or them shares of the capital stock of the company to an amount equivalent to such payment, which payment shall be treated as a payment for such stock, and in full of all liability thereon.

In consideration (besides the payments herein mentioned) of the subscribers waiving any claim to dividend in the capital stock, as hereinafter provided, there shall be issued to each subscriber, his or their executors, administrators or successors and assigns, in addition to such holding of

stock, upon the completion of the full term of such payment by each subscriber, his or her respective administrator or executor, or assign, or assigns, but not otherwise, and until the full term of such payment so paid by him, and then, and to provide to such same, a mortgage bond and debt shall be created to the point of time when the full term so paid. Such bonds shall be secured by a lien to the full term of the real and personal estate of the said company, and of the full term of the same thereon next after so much as shall remain unpaid of the said original mortgage debt, if any. Such bonds shall be payable at the following dates, and shall bear such rates of interest as the shareholders of the company shall determine. The said mortgage bonds shall be retired and mortgage bonds being retired, in the manner herein provided, at or before the end of twenty years, then and there, and shall be issued to the subscribers in like manner as the said mortgage bonds would have been, as above provided, and in lieu thereof.

Any subscriber, his or their executors, administrators or successors and assigns, shall be at liberty to pay at the end of each year payments at any time before maturity at the then current value of such yearly payments, as actuarially determined on the basis of interest compounded at the rate of four per cent. per annum, and upon making such payment shall be entitled to receive forthwith shares to the full amount of the said annual payments, irrespective of the said allowance for prepayment, and to receive at the end of the said period of twenty years bonds for the total amount of his or their annual payments, also irrespective of the said allowance for prepayment.

The net income of the said company (after payment of all proper expenditures and outlays) is to be paid in every year to the said stockholders. The money so paid to the said stockholders shall be applied in the same manner and for the same purposes as the said annual payments, as herein provided.

No dividends shall be paid on the capital stock of the company until at least fifty per cent. of the original mortgage debt shall have been paid off.

The trustees for bondholders shall be The Toronto General Trusts Company and The National Trust Company, of Ontario, Limited, jointly.

The first directors of the said company shall be William Rees Brock, William Henry Barron, H. L. N. Burt, George J. Cullen, J. D. Farnett, George Gooderham, Edward Gurney, John Hoskin, Andrew S. Irving, Robert Judson, Allen E. Knapton, Wm. McMillan, George A. Wilson, D. Matthews, John Portland May, Edw. M. B. O'Brien, R. W. E. Warren, David R. Wilkie and Frederic Wood.

Application shall be made to the Legislature for an Act to confirm this agreement, and to give all powers and authorities which may be necessary or desirable for carrying out the general purposes and intention of this agreement, and all things incidental thereto.

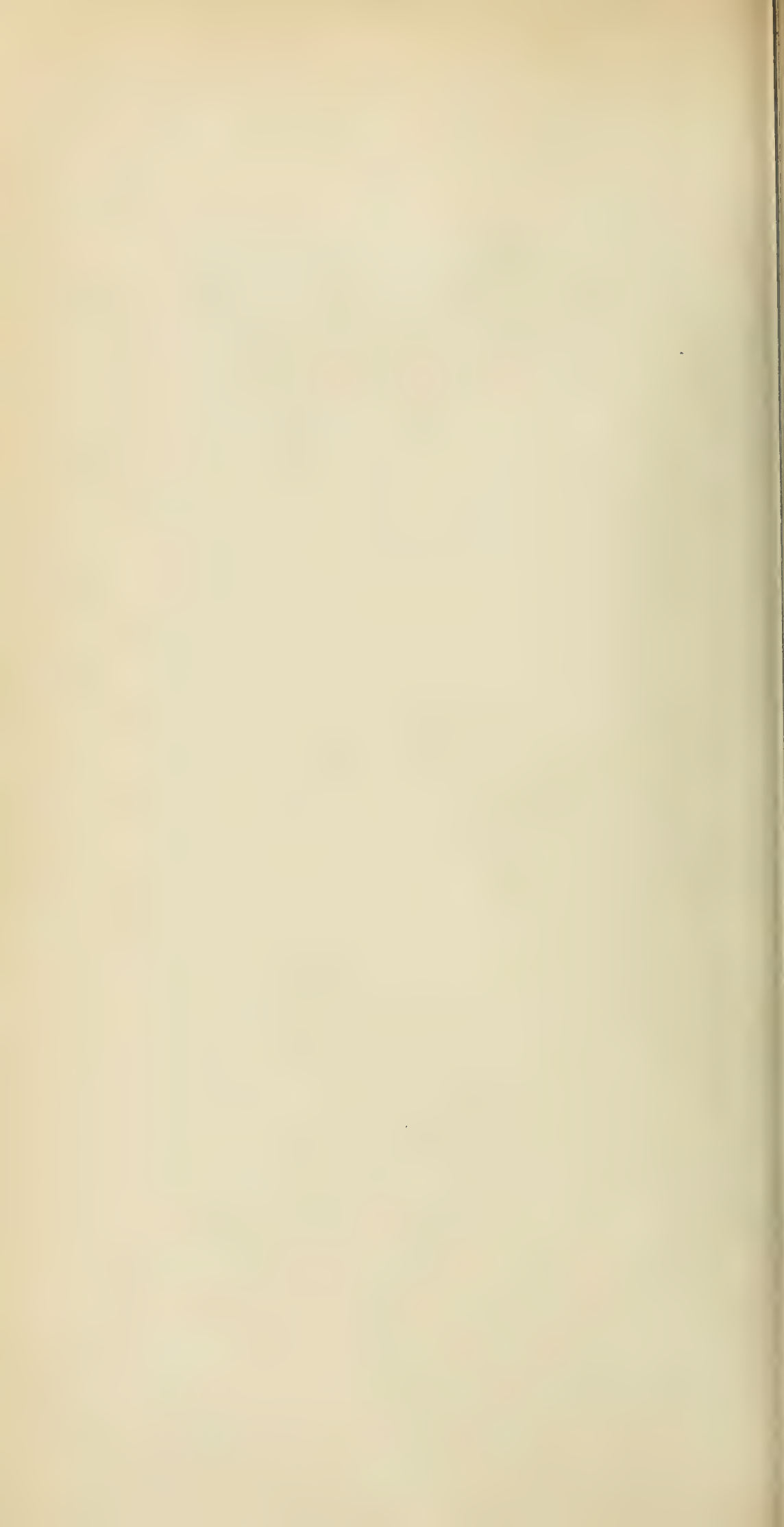
APPENDIX.

with George Gooderham, Edward Gurney and Emilius Jarvis, their ex-
 cutors, administrators and assigns, to pay to them the annual sum of
 dollars in accordance
 with the terms and provisions of the foregoing agreement.

As witness
day of

hand and seal this
1899

Witness:



2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act Respecting The Toronto Hotel
Company.

First Reading.

1899.

(Private Bill.)

Mr. Foy.

TORONTO:
PRINTED BY L. N. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 42.]

BILL.

1899.

An Act to incorporate the Toronto Hotel Company.

WHEREAS William Rees Brock, William Henry Beatty, **Preamble.**

Hugh N. Baird, William Henry Brouse, Duncan Coulson, L. J. Forget, George Gooderham, Edward Gurney, John Hoskin, Andrew S. Irving, Robert Jafray, Æmilius Jarvis, Simeon Heman Janes, Albert E. Kemp, John Woodburn Langmuir, Wilmot D. Matthews, Samuel Nordheimer, John Herbert Mason, Edmond B. Osler, James H. Plummer, Elias Rogers, Frederick Wyld, Byron E. Walker, and *Daniel R. Wilkie* have petitioned for an Act to incorporate the petitioners as a company to be called The Toronto Hotel Company, with all such powers as to acquiring and holding lands and carrying on the business of a hotel as may be properly incidental or necessary for such company, and to confirm an agreement made between the persons, firms and corporations who are or may become subscribers for the stock or other securities of the said company and George Gooderham, Edward Gurney, and Æmilius Jarvis respecting the promotion and formation of the said company, and to enable corporations to become parties to such agreement and for such other purposes as may be incidental thereto; ^{and} and whereas the proposed basis of incorporation of the said company appears to be exceptional and such as could not be embodied in a charter of incorporation under the provisions of the Ontario Companies Act; ^{and} and whereas it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty by and with the advice and consent

of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- Incorporation.** **1.** The said several persons are hereby constituted and declared to be a body corporate under the name of The Toronto Hotel Company.
- R.S.O. c. 191, with certain exceptions to apply.** **2.** *The Ontario Companies Act* (Chapter 191 Revised Statutes of Ontario) shall apply and relate to the said company as if the several provisions thereof were incorporated herein, excepting sections 9, 10, 12, 14, 15, 23, 24, 98, 99, and 101.
- Authority to acquire real estate.** **3.** The said company shall have power to acquire and hold real estate in the said City of Toronto as they may require from time to time for the purposes of a hotel, and to erect buildings thereon and to carry on the business of a hotel, and also to grant leases of such real estate for hotel purposes and of portions thereof for such other purposes as may be convenient or desirable and all such powers as may or shall be properly incidental or necessary for such company and concurrently therewith all powers conferred by *The Ontario Companies Act*.
- Capital.** **4.** The capital of the said company shall be ~~the~~ \$1,500,000 and shall be divided into 1,500 shares of \$100 each. ~~the~~
- Number of directors.** **5.** The number of directors of the said company shall be as the by-laws of the company shall fix from time to time, but not less than five.
- Provisional directors.** **6.** The first directors of the company shall be William Rees Brock, William Henry Beatty, Hugh N. Baird, Duncan Coulson, L. J. Forget, George Gooderham, Edward Gurney, John Hoskin, Andrew S. Irving, Robert Jaffray, Albert E. Kemp, John Woodburn Langmuir, Wilmot D. Matthews, John Herbert Mason, Edmond B. Osler, Byron E. Walker, *Daniel R. Wilkie*, and Frederick Wyld.
- Payment in stock.** **7.** The directors (as well before as after the meeting of the shareholders) may pay, or agree to pay, in paid-up stock or in bonds of the said company, or in both, such sums as they may deem expedient to engineers or contractors or for purchase of land or material or plant or the construction or equipment of their buildings and works or any part thereof, and also for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking and for any purpose mentioned in the agreement set out in the schedule hereto.
- Bonding privileges.** **8.** The directors shall have power to issue bonds and secure the same as provided for in the agreement set out in the sche

dule hereto, and any further sanction of the shareholders shall not be requisite thereto.

9. The agreement respecting the promotion and formation of the said company and otherwise in respect thereof, a copy whereof is appended hereto, and marked as Schedule A. is hereby confirmed and declared to be valid and binding on all persons, firms and corporations who have become, or shall hereafter become, parties thereto, according to the tenor thereof, or to the like effect. Agreement confirmed.

SCHEDULE A.

(Section 9.)

THE TORONTO HOTEL COMPANY. CAPITAL \$1,500,000.

Provisional Directors: William Rees Brock, William Henry Beatty, Hugh N. Baird, Duncan Coulson, L. J. Forget, George Gooderham, Edward Gurney, John Hoskin, Andrew S. Irving, Robert Jaffray, Albert E. Kemp, John Woodburn Langmuir, Wilmot D. Matthews, John Herbert Mason, Edmond B. Osler, Byron E. Walker, David R. Wilkie and Frederick Wyld.

Trustees: The Toronto General Trusts Company and The National Trust Company, of Ontario, Limited.

Agreement made this eleventh day of January, one thousand eight hundred and ninety-nine, between the several persons, firms and corporations whose names are hereunto subscribed, hereinafter called the subscribers of the first part, and George Gooderham, Edward Gurney and Æmilius Jarvis, all of the city of Toronto, of the second part.

Whereas the said Æmilius Jarvis has been engaged in promoting the formation of a company for the purchase of land and the erection of a first-class hotel in the city of Toronto; and whereas the subscribers hereto have agreed with the said George Gooderham, Edward Gurney and Æmilius Jarvis to subscribe for stock and mortgage bonds of the company as hereinafter provided:—

Now therefore this indenture witnesseth that the said subscribers, for themselves and their respective executors and administrators or successors severally, in consideration of the promoting of the said enterprise, agree with the said George Gooderham, Edward Gurney and Æmilius Jarvis, their executors, administrators and assigns, that upon the said company being incorporated and upon a resolution being passed by the directors declaring that in their opinion the company is in a position to effectually proceed with the said enterprise, they will pay to them or to their assigns yearly, for the period of twenty years from the first day of January, 1899, the annual sum set out in the appendix hereto executed by each subscriber respectively, the first of such payments to be made in fifteen days after the passing of the said resolution, and the subsequent payments on the second day of July in each year, commencing on the second day of July, 1900.

Upon the said company being incorporated and a resolution passed by the directors as above mentioned, the said George Gooderham, Edward Gurney and Æmilius Jarvis shall assign the said several subscriptions or agreements to the said company.

And it is hereby agreed that the company shall be incorporated and its stock and bond issues arranged, and the other affairs of the company settled in the following general manner, subject to such changes as may be found expedient and be agreed to by a majority of two-thirds in value of the subscribers hereto present, in person or by proxy, at any meeting called by notice to each subscriber, mailed to his address, or supposed address, at least five days before the time appointed for such meeting.

The capital stock of said company to be one million five hundred thousand dollars, of which a sufficient number of fully paid up shares (not exceeding ten shares to each one) are to be issued to persons named as directors of the company prior to the first meeting of shareholders, to enable such persons to qualify as such directors.

The purchase of the land and erection of a hotel thereon and furnishing thereof, and other expenses and outlays which may be requisite to be made in promoting and carrying out the said enterprise, to be provided for by the issue of mortgage bonds of the company so to be formed, the same to be payable in twenty years, with interest at such rates as may be fixed by the directors, and to be secured by a mortgage or mortgages to trustees of the real and personal property (including future earnings and avails) of the said company, or such parts thereof as the directors may determine, and to be further secured by transfer to trustees of the subscription and agreement of each subscriber hereto to make the annual payments therein mentioned, the amount of bonds so to be issued to be such as may be necessary to provide or produce sufficient funds for the purposes aforesaid, the moneys provided by such annual payments to be applied (after paying thereout the fees and expenses of the said trustees) firstly, in paying the interest of the said bonds, if and so far as the net income of the company may be insufficient therefor, and then any surplus thereof in taking up or paying off such bonds to such amount or extent as may be practicable to be selected by lot.

If the directors of the company find it expedient, they may divide the issue of the said bonds into two or more classes or series, with such priorities as they may deem advisable, and with such separation of the said securities and appropriation thereof or of the separate parts or items thereof, to such classes or series of bonds respectively, all of which classes or series, if created, shall be together included in the expression "original mortgage debt" hereinafter.

For each payment made by each subscriber hereto, his or their executors and administrators or successors and assigns, there shall be issued to him or them shares of the capital stock of the company to an amount equivalent to such payment, which payment shall be treated as a payment for such stock, and in full of all liability thereon.

In consideration (besides the payments herein mentioned) of the subscribers waiving any claim to dividend in the capital stock, as hereinafter provided, there shall be issued to each subscriber, his or their executors, administrators or successors and assigns, in addition to such holding of stock, upon the completion of the full twenty annual payments by such subscriber, his or their executors, administrators or assigns, successors and assigns, but not otherwise, mortgage bonds equivalent to the total amount so paid by him and them, and to provide for such issue a mortgage bond debt shall be created to an amount not exceeding the total amount so paid. Such bonds shall be secured by mortgage to trustees of all the real and personal estate of the said company, and shall be the first charge thereon next after so much as shall remain unpaid of the said original mortgage debt, if any. Such mortgage bonds shall be payable at such dates, and shall bear such rates of interest as the shareholders of the company shall determine. In the event of the entire issue of original mortgage bonds being retired, in the manner herein provided, at or before the end of twenty years, then first mortgage bonds shall be issued to the subscribers in like manner as the second mortgage bonds would have been, as above provided, and in lieu thereof.

Any subscriber, his or their executors, administrators or assigns, shall be at liberty to pay off the said annual payments at any time before maturity at the then present value of such yearly payments, actuarially determined on the basis of interest compounded at the rate of **four per cent. per annum**, and upon making such payment shall be entitled to receive forthwith shares to the full amount of the said annual payments, irrespective of the said allowance for prepayment, and to receive at the end of the said period of twenty years bonds for the total amount of his or their annual payments, also irrespective of the said allowance for prepayment.

The net income of the said company (after payment of all proper expenditures and outlays) is to be paid in every year to the Trustees for the bondholders. The money so paid to the said trustees shall be applied in the same manner and for the same purposes as the said annual payments, as herein provided.

No dividends shall be paid on the capital stock of the company until at least fifty per cent. of the original mortgage debt shall have been paid off.

The trustees for bondholders shall be The Toronto General Trusts Company and The National Trust Company, of Ontario, Limited, jointly.

The first directors of the said company shall be William Rees Brock, William Henry Beatty, Hugh N. Baird, Duncan Coulson, L. J. Forget, George Gooderham, Edward Gurney, John Hoskin, Andrew S. Irving, Robert Jaffray, Albert E. Kemp, John Woodburn Langmuir, Wilmot D. Matthews, John Herbert Mason, Edmond B. Osler, Byron E. Walker, David R. Wilkie and Frederick Wylde.

Application shall be made to the Legislature for an Act to confirm this agreement, and to give all powers and authorities which may be necessary or desirable for carrying out the general purposes and intention of this agreement, and all things incidental thereto.

APPENDIX.

with George Gooderham, Edward Gurney and Æmilius Jarvis, their ex-
 ecutors, administrators and assigns, to pay to them the annual sum of
 dollars in accordance
 with the terms and provisions of the foregoing agreement,

As witness
day of

hand and seal this
1899

Witness:

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act Respecting The Toronto Hotel
Company,

First Reading, 28th February, 1899.

*(Reported as amended by Private Bills
Committee.)*

MR. FOY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 43.]

BILL.

[1899.

An Act to Incorporate the Worthington and Onaping Railway Company.

WHEREAS a petition has been presented praying for Preamble.
incorporation of a Company to construct and operate a
railway as hereinafter set forth; and whereas the Company's
proposed line of railway will, for the most part, run through
unsettled parts of the Province, and electricity may therefore
be allowed as a motive power; and whereas the provisions of
The Electric Railway Act are therefore not applicable to the
Company; and whereas it is expedient to grant the prayer of
the said petition;

10 Therefore Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario enacts
as follows:—

1. That Harry William Evenden, John McKay, James Incorporation.
Miller and William Howard Hearst, together with such other
persons and corporations as shall in pursuance of this Act
become shareholders in the Company, hereby incorporated,
shall be and are hereby constituted a body corporate and
politic by and under the name of The Worthington and Ona-
ping Railway Company, hereinafter to be called the Company.

2. The head office of the said Company shall be at the Head Office.
town of Sault Ste Marie in the District of Algoma, in the
Province of Ontario.

Location of
line.

Gauge.

Authority to
make surveys.

R.S.O. c. 207.

Acquiring
lands for
docks.

3. The Company shall have full power and authority to lay out, construct, equip and operate a line of railway of the gauge of four feet eight and one-half inches in width, from a point in or near Worthington Station, on the Algoma branch of the Canadian Pacific Railway Company; thence northerly near Inez mine in the Township of Drury; thence northerly to the Sultana nickel mine in the Township of Trill; thence northerly and easterly a distance of about 50 miles, crossing the main line of the Canadian Pacific Railway at or near Onaping station, with full power to pass over any portion of the country between the points aforesaid, and to carry their railway through Crown lands, if any, lying between the points aforesaid, and to construct branch railways, none of which are to exceed 12 miles in length, and to exercise all the powers, rights and privileges therefor in as full and ample a manner as for the railway.

4. The Company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and amendments thereto with respect to "plans and surveys" by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than three miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said railway Act, and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction of the said lands intended to be passed over, and taken, and the book of reference for the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act, and the amendments thereof with respect to "plans and surveys."

5. It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharfs, piers, docks, water lots, water frontages and lands, and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevat-

ors, storehouses, warehouses, and engine houses, sheds wharves, ore docks, piers and other erections for the use of the company or any steam or other vessel, and to collect wharfage and storage and other charges for the use of the same, and also to
 5 erect, build, repair and maintain all moles, piers, wharves and ore docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works; and the
 10 said wharves, piers and docks, water lots, water frontages, lands, elevators, storehouses, warehouses, engine houses, sheds and other erections or any thereof, or any portions thereof, in its discretion to sell, lease and convey; and shall also have full power to connect any of the works herein mentioned with any
 15 point on the railway or its branches by means of any line or lines of railway for such purpose.

6. The company may operate its railway in whole or in part with electricity or water as the motive power in lieu of or in conjunction with steam or other form and power authorized
 20 by *The Railway Act*. Motive power
R.S.O. c. 207.

7. The company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purposes of building thereon storehouses, warehouses, engine houses and other erections for the uses of the
 25 company, and the same or portions thereof, in their discretion to sell or convey, and also to make use for the purpose of said railway of any stream or watercourse at or near which the said railway passes, doing however, no unnecessary damage thereto, and not impairing the usefulness of such stream or
 30 watercourse. Storehouses
engine houses,
etc.

8. That the company shall have power to purchase, acquire, and utilize water privileges and water and steam power for the purposes of compressing air or generating electricity for lighting, heating or motor purposes, and in its discretion to sell
 35 and dispose of such electrical power for lighting, heating and motor purposes, when not required for the undertaking of the company, and to acquire, purchase, hold, develop and operate mining and mineral lands and mines of every description. Authority to
acquire water
privileges.

9. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus, or loan of money or debentures or other securities for money, or by way of guarantee upon such terms
 45 and conditions as may be agreed upon. Authority to
receive gifts.

10. The provisional directors or elected directors may pay or agree to pay in cash, or stock, or in the bonds of the said Payment in
stock.

company such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or for persons who may be employed by the directors in furthering the undertaking or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. 5

Authority to
municipality
to make gifts.

11. Any municipality through which the said railway may pass, or is situate, is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land from any government, or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company. 15

Stone, gravel,
etc.

12. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining of materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which the said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. 20 25 30 35 40

R.S.O. c. 207.

Sidings.

13.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice shall apply and may be used and exercised to obtain 45

R.S.O. c. 207.

the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding sections may at all times be exercised and used in all respects after the railway is constructed for the purposes of repairing or maintaining the said railway.

(2) When estimating the damages for the taking of gravel, sand, stone or earth, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

14. Whenever it shall be necessary for the purposes of procuring sufficient lands for station, or gravel pits, or for constructing, maintaining and using said railway, and in case of purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, use, hold and enjoy such lands and also the right of way thereto if the same be separate from their railway, and sell and convey the same or parts thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Purchasing whole lots.

15. The persons named in section 1 of this Act, with power to add to their number, shall be, and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act. Provisional directors.

16. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said direc- Stock books
R.S.O. c. 207

tors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the Town of Sault Ste. Marie, or at such other place as may best suit the interest of the said company. 5

Capital stock. 17. The capital stock of the company hereby incorporated shall be \$300,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 3,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act. 15

First general meeting. 18 When, and as soon as shares to the amount of \$30,000 in the capital stock of the company shall have been subscribed, and ten per centum paid thereon, into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, of a majority of them present, at a meeting duly called for the purpose, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers, published in the said Town of Sault Ste. Marie of the time, place and purpose of said meeting. 25 30

Directors. 19. At such general meeting the shareholders present who shall have paid up ten per centum of their shares with such proxies as may be present, shall elect not less than five, and not more than nine persons, as hereinafter mentioned, to be directors of the said company (of whom the majority shall be a quorum) and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, and *The Railway Act of Ontario*. 40

Qualification. 20. No person shall be qualified to be elected as such director by the shareholders unless he is a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

General meetings. 21. Thereafter the general meeting of the shareholders of the company shall be held in such place in the said Town of Sault Ste. Marie, or in such other place, or on such days, and

at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said Town of Sault Ste. Marie during the four weeks preceding the week in which such meeting is to be held.

22. Special general meetings of the shareholders of the company may be held at such places, and at such times, and in such manner and for such purposes, as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section. Special meetings.

23. The directors may, from time to time, make calls as they may think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section 21 of this Act. Calls.

24. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company. Aliens

25. That the directors of the company, after the sanction of the shareholders shall have first been obtained at any special general meeting which may be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the company, and countersigned by the secretary, and under the seal of the company for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance, be taken and considered to be the right and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer pro rata, with all the other holders thereof upon the undertaking and property of the company as aforesaid; provided however that the whole amount of such issue of bonds shall not exceed in all the sum of \$13,000 per mile; and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the company all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been registered in the same manner as is provided for the registration of shares, and it Authority to issue bonds.

shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Form of
bonds.

26. That all such bonds, debentures and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name. 5

Pledge bonds.

27. That the company hereby incorporated may from time to time for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities which, under the powers of this Act, can be used for the construction of the railway or otherwise. 10

Transfer of
stock.

28. That shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof disposed with by the company. 15

Negotiable
instruments.

29. That the company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted, or indorsed by the president or vice-president of the company, and countersigned by the secretary of the company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank. 25 30 35

C.P.R. and
G.T.R.

30. That the company may enter into agreements with the Canadian Pacific Railway Company, or the Grand Trunk Railway Company of Canada, for conveying or leasing to either of such companies the railway of the company hereby incorporated in whole or in part or any rights or powers acquired under this Act, as also the surveys, plans, work, plant, material, machinery and other property to it belonging, or for an amalgamation with any of such companies on such terms and conditions as are agreed upon and subject to such restrictions as to the directors may seem fit. 40 45

31. That the company may also construct a telephone line or an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telephone and telegraph lines, the powers conferred upon telegraph companies by the Act respecting Electric Telegraph Companies (being Chapter 192 of the Revised Statutes of Ontario, 1897) as hereby conferred upon the said company, and to undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing, and to lease such line or lines of telegraph or telephone or any portion thereof.

Telephone and telegraph lines.

R.S.O. c. 192.

32. That the company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may thereafter be established in the manner provided by law in respect of such railway, to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April following.

Snow fences.

33. Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule "A," hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same: and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed as the duplicates thereof.

Form of conveyances.

34. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof, shall be incorporated with, and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein may be understood to include the clauses of the said Railway Act, and of every Act in amendment thereof so incorporated with this Act.

Incorporation of R.S.O. c. 207.

35. That the said railway may be commenced within three years and completed within ten years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Commencement and completion.

SCHEDULE A.

Know all men by these presence that I (or we) (insert the name or names of vendor or vendors) in consideration of dollars paid to me (or us) by the Worthington and Onaping Railway Company, the receipt whereof is hereby acknowledged, do grant any convey unto the said Company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars, paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land, (describe the land) the same having been selected and laid out by the said Company for the purposes of their railway to hold, with the appurtenances unto the said The Worthington and Onaping Railway Company, their successors and assigns (here insert any other clauses, conditions and covenants required) and I (or our) wife (or wives) of the said do hereby bar my (or our) dower to the said lands.

As witness my (or our) hand and seal (or hands and seals), this
day of 1899.

Signed, sealed and delivered in the presence of

[L.S]

2nd Session, 9th Legislature, 62 Vict. 1899.

BILL.

An Act to incorporate The Worthington
and Onaping Railway Company.

First Reading.	1899.
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(Private Bill)

MR. FARWELL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to Incorporate the Worthington and Onaping
Railway Company.

WHEREAS Harry William Evenden, of the Island of Cam- Preamble.
ment d'Ours, mining capitalist, John McKay, barrister-
at-law, James Miller, mining capitalist, and William Howard
Hearst, barrister-at-law, all of the District of Algoma, have by
their petition prayed for an Act of incorporation under the
name of "The Worthington and Onaping Railway Company"
for the purpose of constructing, equipping and operating a
steam railway from a point at or near Worthington Station
on the Algoma branch of the Canadian Pacific Railway; thence
northerly near Inez mine in the township of Drury; thence
northerly to the Sultana nickel mine in the township of Trill;
thence passing through the township of Cascaden, Dowling
and Levack northerly and easterly a distance of about fifty
miles, crossing the Canadian Pacific Railway at or near Onap-
ing station; and whereas it is expedient to grant the prayer
of the said petition, ³

Therefore Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario enacts
as follows:—

1. Harry William Evenden, John McKay, James Miller ^{Incorporation.}
and William Howard Hearst, together with such other
persons and corporations as shall in pursuance of this Act
become shareholders in the company hereby incorporated,
shall be and are hereby constituted a body corporate and

politic by and under the name of "The Worthington and Onaping Railway Company," hereinafter called "the Company."

Head Office. 2. The head office of the company shall be at the town of Sault Ste Marie in the District of Algoma, in the Province of Ontario.

Location of line.

Gauge.

3. The company shall have full power and authority to lay out, construct, equip and operate a *steam* railway of the gauge of four feet eight and one-half inches, from a point at or near Worthington Station, on the Algoma branch of the Canadian Pacific Railway; thence northerly near Inez mine in the Township of Drury; thence northerly to the Sultana nickel mine in the Township of Trill; thence northerly and easterly, ~~and~~ passing through the townships of Cascaden, Dowling and Levack, ~~at~~ a distance of about 50 miles, crossing the main line of the Canadian Pacific Railway at or near Onaping station, with full power to pass over any portion of the country between the points aforesaid.

Authority to make surveys.

R.S.O. c. 207.

4. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and amendments thereto with respect to "plans and surveys" by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than three miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act, and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction *and* of the lands intended to be passed over, and taken, and the book of reference for the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act, and the amendments thereof with respect to "plans and surveys."

Authority to receive gifts.

5. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the

construction, equipment or maintenance of the said railway, by way of gift, bonus, or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

6. The provisional directors or elected directors may pay ^{Payment in} or agree to pay in cash, or stock, or in the bonds of the said ^{stock.} company such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or for persons who may be employed by the directors in furthering the undertaking or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

7. Any municipality through which the said railway may ^{Authority to} pass, or is situate, is empowered to grant by way of gift to the ^{municipality} company any lands belonging to such municipality or over ^{to make gifts.} which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land from any government, or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

8. When stone, gravel, earth or sand is or are required ^{Stone, gravel,} for the construction or maintenance of said railway, or any ^{etc.} part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an *Ontario* land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act, ^{R.S.O. c. 207.} as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining of materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which the said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

9.—(1) When said gravel, stone, earth or sand shall be ^{Sidings.} taken under the preceding section of this Act at a distance

from the line of railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purposes of repairing or maintaining the said railway.

(2) When estimating the damages for the taking of gravel, sand, stone or earth, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Purchasing
whole lots.

10. Whenever it shall be necessary for the purposes of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using said railway, and in case *by* purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, use, hold and enjoy such lands and also the right of way thereto if the same be separated from their railway, and sell and convey the same or *any part* thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Provisional
directors.

11. The persons named in section 1 of this Act, with power to add to their number, shall be, and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Stock books

12. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock, who, in their judgment, would hinder, delay or prevent the

R.S.O. c. 207.

company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the Town of Sault Ste. Marie, or at such other place as may best suit the interest of the said company.

13. The capital stock of the company hereby incorporated shall be \$300,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 3,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act. Capital stock.

14 When, and as soon as shares to the amount of \$30,000 in the capital stock of the company shall have been subscribed, and ten per centum paid thereon, into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, of a majority of them present, at a meeting duly called for the purpose, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers, published in the said Town of Sault Ste. Marie of the time, place and purpose of said meeting. First general meeting.

15. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than nine persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with Number of directors and quorum.

- v. stat.,
207. this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.
- Qualification. **16.** No person shall be qualified to be elected as such director by the shareholders unless he is a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.
- General meet-
ings. **17.** Thereafter the general *annual* meeting of the shareholders of the company shall be held in such place in the said Town of Sault Ste. Marie, or in such other place, *and* on such days, and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said Town of Sault Ste. Marie during the four weeks *immediately* preceding the week in which such meeting is to be held.
- Special meet-
ings. **18.** Special general meetings of the shareholders of the company may be held at such places, and at such times, and in such manner and for such purposes, as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.
- Calls. **19.** The directors may, from time to time, make calls as they may think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section 17 of this Act.
- Aliens. **20.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.
- Issue of
Bonds. ~~18~~ **21.** The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$13,000 for each mile of the said railway, and the provisions of sub-sections 19, 20, 21, 22 and 23 of Section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections ~~18~~.
- Pledge bonds. **22.** The company hereby incorporated may from time to time for advances of money to be made thereon, mortgage or pledge any bonds, which ~~22~~ they may be enabled ~~22~~ under

the powers of this Act *to issue* for the construction of the railway.

23. Shares in the capital stock of the company may ^{Transfer of} be transferred by any form of instrument in writing but no ^{stock.} transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

24. The company shall have power and authority to ^{Negotiable} become parties to promissory notes and bills of exchange, for ^{instruments.} sums not less than \$100, and any such promissory note or bill of exchange made, accepted, or indorsed by the president or vice-president of the company, and countersigned by the secretary of the company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the ^{the} president, vice-president or the secretary ^{be} individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: provided however that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

25. The company is authorized and empowered to make ^{C.P.R. and} necessary arrangements to contract and agree with the ^{G.T.R.} Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, or the Manitoulin and North Shore Railway Company or either of them if lawfully authorized to enter into such arrangements for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act.

26. The company shall have power to agree for connections ^{Arrangements} and making running arrangements with the Canadian Pacific ^{with other} Railway Company, the Grand Trunk Railway Company of ^{companies.} Canada or the Manitoulin and North Shore Railway Company or either of them if lawfully empowered to enter into such agreements upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with any of the said railway companies, if lawfully authorized to enter into such an agreement,

for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario. ^{78A}

Telegraph
and telephone
lines.

⁷⁸27. The company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company. ^{78A}

Snow fences.

28. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may thereafter be established in the manner provided by law in respect of such railway, to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April following.

Form of conveyances.

29. Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule "A," hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same: and such conveyances shall be registered in such manner and upon such proof of execution as is required under

the Registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed as the duplicates thereof.

30. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof, shall be incorporated with, and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act, and of every Act in amendment thereof so incorporated with this Act.

Incorporation
of R.S.O.
c. 207.

31. The said railway shall be commenced within three years and completed within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Commence-
ment and
completion.

SCHEDULE A.

(Section 29.)

Know all men by these presence that I (or we) (insert the name or names of vendor or vendors) in consideration of _____ dollars paid to me (or us) by the Worthington and Onaping Railway Company, the receipt whereof is hereby acknowledged, do grant any convey unto the said Company, and I (or we) (insert the name or names of any other party or parties) in consideration of _____ dollars, paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land, (describe the land) the same having been selected and laid out by the said Company for the purposes of their railway to hold, with the appurtenances unto the said The Worthington and Onaping Railway Company, their successors and assigns forever (here insert any other clauses, conditions and covenants required) and I (or we) the wife (or wives) of the said _____ do hereby bar my (or our) dower to the said lands.

As witness my (or our) hand and seal (or hands and seals), this
day of _____ 1 _____.

Signed, sealed and delivered in the presence of

[L.S.]

2nd Session, 9th Legislature, 62 Viet. 1899.

BILL.

An Act to incorporate The Worthington and Chaping Railway Company.

First Reading 15th February, 1899.

Report of the Committee on the Bill

Mr. FARWELL

REPORT

Presented to the Legislature

by the Committee on the Bill

No. 43.]

BILL.

[1899.

An Act to incorporate the Worthington and Onaping Railway Company.

¹²³ WHEREAS Harry William Evenden, of the Island of Campe- Preamble
ment d'Ours, mining capitalist, John McKay, barrister-at-law, James Miller, mining capitalist, and William Howard Hearst, barrister-at-law, all of the District of Algoma, have by their petition prayed for an Act of incorporation under the name of "The Worthington and Onaping Railway Company" for the purpose of constructing, equipping and operating a railway from a point at or near Worthington Station on the Algoma branch of the Canadian Pacific Railway; thence northerly near Inez mine in the township of Drury; thence northerly to the Sultana nickel mine in the township of Trill; thence passing through the townships of Cascaden, Dowling and Levack, northerly and easterly a distance of about fifty miles, crossing the Canadian Pacific Railway at or near Onaping station; ¹²⁴ and it has been represented that the line of the railway of the company so to be incorporated will, for the most part, be constructed in the unorganized part of the Province; and it is proposed to operate the same by steam or electricity; and whereas, owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line

of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Incorporation. 1. Harry William Evenden, John McKay, James Miller and William Howard Hearst, together with such other persons and corporations as shall in pursuance of this Act become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and under the name of "The Worthington and Onaping Railway Company," hereinafter called "the Company."

Head Office. 2. The head office of the company shall be at the town of Sault Ste Marie in the District of Algoma, in the Province of Ontario.

Location of line.
Gauge. 3. The company shall have full power and authority to lay out, construct, equip and operate *by steam or electricity* a railway of the gauge of four feet eight and one-half inches, from a point at or near Worthington Station, on the Algoma branch of the Canadian Pacific Railway; thence northerly near Inez mine in the Township of Drury; thence northerly to the Sultana nickel mine in the Township of Trill; thence northerly and easterly, ~~and~~ passing through the townships of Cascaden, Dowling and Levaack, ~~and~~ a distance of about 50 miles, crossing the main line of the Canadian Pacific Railway at or near Onaping station, with full power to pass over any portion of the country between the points aforesaid; and the said railway or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, and in *The Municipal Act*.

Authority to make surveys. 4. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained and also the book of reference for the railway, and

to deposit the same as required by the clauses of *The Railway Act of Ontario*, and amendments thereto with respect to "plans and surveys" by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than three miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act, and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction *and* of the lands intended to be passed over, and taken, and the book of reference for the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act, and the amendments thereof with respect to "plans and surveys."

R.S.O. c. 207.

5. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus, or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Authority to receive gifts.

6. The provisional directors or elected directors may pay or agree to pay in cash, or stock, or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or for persons who may be employed by the directors in furthering the undertaking or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Payment in stock.

7. Any municipality through which the said railway may pass, or is situate, is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land from any government, or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Authority to municipality to make gifts.

Stone, gravel,
etc.

8. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an *Ontario* land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining of materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which the said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

R.S.O. c. 207.

Sidings.

9.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purposes of repairing or maintaining the said railway.

R.S.O. c. 207.

(2) When estimating the damages for the taking of gravel, sand, stone or earth, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Purchasing
whole lots.

10. Whenever it shall be necessary for the purposes of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, use, hold and enjoy such lands and also the right of way thereto if the same be separated from their railway, and sell and convey the same or any part thereof from time to time as

they may deem expedient but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

11. The persons named in section 1 of this Act, with power ^{Provisional} to add to their number, shall be, and are hereby constituted a ^{directors.} board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

12. The said board of provisional directors shall have power ^{Stock books} forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary ^{R.S.O. c. 207.} directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the Town of Sault Ste. Marie, or at such other place as may best suit the interest of the said company.

13. The capital stock of the company hereby incorporated ^{Capital stock.} shall be \$300,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 3,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

First general meeting.

14. When, and as soon as shares to the amount of \$30,000 in the capital stock of the company shall have been subscribed, and ten per centum paid thereon, into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, of a majority of them present, at a meeting duly called for the purpose, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers, published in the said Town of Sault Ste. Marie of the time, place and purpose of said meeting.

Number of directors and quorum.

15. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than nine persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. stat., c. 207.

Qualification.

16. No person shall be qualified to be elected as such director by the shareholders unless he is a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

General meetings.

17. Thereafter the general annual meeting of the shareholders of the company shall be held in such place in the said Town of Sault Ste. Marie, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said Town of Sault Ste. Marie during the four weeks immediately preceding the week in which such meeting is to be held.

Special meetings.

18. Special general meetings of the shareholders of the company may be held at such places, and at such times, and in such manner and for such purposes, as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.

Calls.

19. The directors may, from time to time, make calls as they may think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed

by each shareholder, and thirty days notice shall be given of each call as provided in section 17 of this Act.

20. Aliens and companies incorporated abroad, as well as ^{Aliens.} British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

21. The directors of the company shall have power to issue ^{Issue of Bonds} bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$13,000 for each mile of the said railway, and the provisions of sub-sections 19, 20, 21, 22 and 23 of Section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections. ^{R.S.O. c. 207.}

22. The company hereby incorporated may from time ^{Pledge bonds.} to time for advances of money to be made thereon, mortgage or pledge any bonds, which ~~they~~ may be enabled ~~to~~ under the powers of this Act, *to issue* for the construction of the railway.

23. Shares in the capital stock of the company may ^{Transfer of stock.} be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

24. The company shall have power and authority to ^{Negotiable instruments.} become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted, or indorsed by the president or vice-president of the company, and countersigned by the secretary of the company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the ~~the~~ president, vice-president or the secretary ~~be~~ be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Warehouses,
docks, etc.

§25.—(1). The company shall have power and authority to purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops, machine shops, furnaces and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Erect necessary buildings,
wharves, etc.

§(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway.

Powers as to
production
and use of
electricity.

§(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company.

Lease or sell
electricity not
required for
railway.

§(4) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section.

Rev. Stat c.
200.

Acquiring
rights for con-
veying elec-
tricity.

§(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Construction
on streets, etc.

§26.—(1) The railway of the company shall not be constructed or operated on, upon or along any street highway or public place of any municipality until first authorized by

an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street; highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

(2) The by-laws mentioned in section 3, subsection 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

27. The company is authorized and empowered to make necessary arrangements to contract and agree with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, and the Manitoulin and North Shore Railway Company or either of them if lawfully authorized to enter into such arrangements for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act.

Amalgamation with other companies.

28. The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada and the Manitoulin and North Shore Railway Company or either of them if lawfully empowered to enter into such agreements upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with any of the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or of any part thereof or touching any service to be rendered by the one company to

Arrangements with other companies.

the other and the compensation therefor, if the arrangements and agreements shall be approved of by two thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario. ²²

Telegraph
and telephone
lines.

²² **29.** The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway or any part of the said railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing. ²³

Snow fences.

30. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may thereafter be established in the manner provided by law in respect of such railway, to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April following.

Form of conveyances.

31. Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule "A," hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same: and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering

the same, including all entries and certificates thereof and certificates endorsed as the duplicates thereof.

~~32~~ 32. The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated but the several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof, shall be incorporated with, and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act, and of every Act in amendment thereof so incorporated with this Act.

Incorporation
of R.S.O.
c. 207.

33. The said railway shall be commenced within three years and completed within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Commence-
ment and
completion.

SCHEDULE A.

(Section 31.)

Know all men by these presents that I (or we) (insert the name or names of vendor or vendors) in consideration of _____ dollars paid to me (or us) by the Worthington and Onaping Railway Company, the receipt whereof is hereby acknowledged, do grant any convey unto the said Company, and I (or we) (insert the name or names of any other party or parties) in consideration of _____ dollars, paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land, (describe the land) the same having been selected and laid out by the said Company for the purposes of their railway to hold, with the appurtenances unto the said The Worthington and Onaping Railway Company, their successors and assigns forever (here insert any other clauses, conditions and covenants required) and I (or we) the wife (or wives) of the said _____ do hereby bar my (or our) dower to the said lands.

As witness my (or our) hand and seal (or hands and seals), this _____ day of _____ 1 _____.

Signed, sealed and delivered in the presence of

[L.S.]

2nd Session, 9th Legislature, 62 Vict. 1899.

BILL.

An Act to incorporate The Worthington
and Onaping Railway Company.

First Reading, 15th February, 1899.
Second Reading, 15th March, 1899.

*(Reprinted as amended by the Committee
of the Whole.)*

Mr. FARWELL.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the Queen's Most Excellent Majesty.

An Act to incorporate the Bruce Mines and Algoma
Railway Company.

WHEREAS a petition has been presented, praying for ^{Preamble.}
incorporation of a company to construct and operate
a railway as hereinafter set forth; and whereas the com-
pany's proposed line of railway will, for the most part, run
5 through the unsettled part of the Province, and electricity
may therefore be allowed as a motive power; and whereas all
the provisions of *The Electric Railway Act* are therefore not
applicable to the company; and whereas it is expedient to
grant the prayer of the said petition;

10 Therefore Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario enacts
as follows:—

1. That Arthur Smyth Burrows, Mayer Wile, Bryon Good- ^{Incorporation}
sell Coryell, Lawson C. Holden, Bryon Woodward Goodsell,
15 and John McKay, together with such other persons and cor-
porations as shall, in pursuance of this Act, become share-
holders in the company hereby incorporated shall be and are
hereby constituted a body corporate and politic by and under
the name of The Bruce Mines and Algoma Railway Company,
20 hereinafter to be called "the company."

2. The head office of the said company shall be in the town ^{Head office}
of Sault Ste. Marie, in the District of Algoma, in the Province
of Ontario.

Location of
line.

3. The company shall have full power and authority to lay out, construct, equip and operate a line of railway of the gauge of four feet eight and one-half inches in width, from a point in or near the village of Bruce Mines, in the District of Algoma, thence across the Algoma branch of the Canadian Pacific Railway Company, at or near Bruce Mines station, to the Rock Lake copper mines in the township of Coffin, in the District of Algoma, thence northerly a distance of thirty miles, with full power to pass over any portion of the country between the points aforesaid and to carry their railway through crown land, if any, lying between the points aforesaid, and to construct branch railways, none of which are to exceed twelve miles in length, and to exercise all the powers, rights and privileges therefor in as full and ample a manner as for the railway.

Authority to
make surveys.

R. S. O. 207.

4. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than three miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act*, and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction of the said lands intended to be passed over, and taken, and the book of reference for the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to "plans and surveys."

Acquiring
land for docks.

5. It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property and for the use of the company, wharves, piers, docks, water lots, water frontages and lands, and upon the said water lots, water frontages and lands, and in and over the water adjoining the same, to build and erect elevators, storehouses, warehouses and engine

houses, sheds, wharves, ore docks, piers and other erections for the use of the company, or any steam or other vessel, and to collect wharfage and storage and other charges for the use of the same; and also to erect, build, repair and maintain all
 5 moles, piers, wharves and ore docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works; and the said wharves, piers and docks, water
 10 lots, water frontages, lands, elevators, storehouses, warehouses, engine houses, sheds and other erections or any thereof, or any portions thereof, in its discretion to sell, lease or convey; and shall also have full power to connect any of the works herein mentioned with any point on the railway or its
 15 branches by means of any line or lines of railway for such purpose.

6. The company may operate its railway in whole or in part with electricity or water as the motive power in lieu of or in conjunction with steam or other form and power
 20 authorized by *The Railway Act*. Motive power.
R.S.O. c. 207.

7. The company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purposes of building thereon storehouses, warehouses, engine houses and other erections for the uses
 25 of the company, and the same or portions thereof, in their discretion to sell or convey; and also to make use, for the purpose of said railway, of any stream or watercourse at or near which the railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such
 30 stream or watercourse. Storehouses
and engine
houses.

8. That the company shall have power to purchase, acquire and utilize water privileges and water and steam power for the purposes of compressing air or generating electricity for lighting, heating or motor purposes, and in its discretion to
 35 sell and dispose of such electrical power for lighting, heating and motor purposes when not required for the undertaking of the company, and to acquire, purchase, hold, develop and operate mining and mineral lands and mines of every description.

40 9. The company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by the way of gift, bonus, or loan of money or debentures or other securities for money, or by way of guarantee
 45 upon such terms and conditions as may be agreed upon. Authority to
acquire water
privileges.

Authority to
receive gifts.

10. The provisional directors or elected directors may pay, or agree to pay in cash, or stock or in the bonds of the said
Payment in
stock.

company such sums as they may deem expedient to engineers or contractors or for right of way or material, plant or rolling stock, and also, when sactioned by a vote of the shareholers at any general meeting for the services of the promoters or for persons who may be employed by the directors in furthering the undertaking or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. 5

Authority to municipalities, to make gifts.

11. Any municipality through which the said railway may pass, or is situated, is empowered to grant by way of gift to the company, any lands belonging to such municipality, or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land from any Government, or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company. 10 15

Stone, gravel, etc.

12. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom the lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. 20 25 30 35

R. S. O. 207.

Sidings.

13—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of Railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans, and publication of notice shall apply and may be used and exercised to obtain 40 45

R. R. O. 207.

the right of way from the railway to the land on which such materials are situated, and such rights may be so acquired for a term of years or permanently, as the Company may think proper, and the powers in this and the preceeding sections may at all times be exercised and used in all respects, after the railway is constructed, for the purposes of repairing or maintaining said railway.

(2) When estimating the damages for the taking of gravel, sand, stone or earth, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

14. Whenever it shall be necessary for the purpose of procuring sufficient lands for station, or gravel pits, or for constructing, maintaining and using said railway, and in case of purchasing the whole of any lot or parcel of land over which the railway is to run, the Company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the Company may purchase, use, hold and enjoy such lands and also the right of way thereto if the same be separated from their railway, and sell and convey the same or part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Purchase of whole lots.
R. S. O. c. 207.

15. The persons named in section 1 of this Act, with power to add to their number, shall be, and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act. Provisional Directors.

16. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the Company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion exclude any one from subscribing for stock, who in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the further- Stock books.

ance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the town of Sault Ste Marie, or at such other place as may best suit the interest of the said company. 5

Capital stock. 17 The capital stock of the company hereby incorporated shall be \$300,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 3,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act. 15 20

First general meeting. 18. When, and as soon as shares to the amount of \$30,000 in the capital stock of the company shall have been subscribed, and ten per centum paid thereon, into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them present, at a meeting duly called for the purpose, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette* and in one or more newspapers published in the said Town of Sault Ste. Marie, of the time, place and purpose of said meeting. 25 30

Directors. 19. At such general meeting the shareholders present who shall have paid up ten per centum of their shares with such proxies as may be present, shall elect not less than five and not more than nine persons, as hereinafter mentioned, to be directors of the said company (of whom the majority shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*. 35 40

R.S.O. 207.

Qualification. 20. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon. 45

General meetings. 21. Thereafter the general meeting of the shareholders of the company shall be held in such place in the said Town of Sault

Ste. Marie, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the company: and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said Town of Sault Ste. Marie during the four weeks preceding the week in which such meeting is to be held.

22. Special general meetings of the shareholders of the company may be held at such place, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section. Special meetings.

23. The directors may, from time to time, make calls as they may think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 21 of this Act. Calls.

24. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company. Aliens.

25. That the directors of the company, after the sanction of the shareholders shall have first been obtained, at any special general meeting which may be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president or vice-president of the company and countersigned by the secretary, and under the seal of the company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance, be taken and considered to be the right and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, pro rata, with all the other holders thereof upon the undertaking and property of this company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$15,000 per mile; and, provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, than at the next ensuing general annual meeting of the company all holders of bonds shall hold and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided, that the bonds and any transfers thereof shall have been registered in the same manner as is provided for the registration of shares, and it shall Authority to issue bonds.

be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Form of
debentures.

26. That all such bonds, debentures and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name. 5

Pledge bonds.

27. That the company hereby incorporated may from time to time for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities which, under the powers of this Act, can be used for the construction of the railway or otherwise. 10

Transfer of
stocks.

28. That shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. 15

Negotiable
instruments.

29. That the company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed, by the president or vice-president of the company, and countersigned by the secretary of the company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. 25 30 35

C. P. R. and
G. T. R.

30. That the company may enter into agreements with the Canadian Pacific Railway Company, or the Grand Trunk Railway Company of Canada, for conveying or leasing to either of such companies the railway of the company hereby incorporated in whole or in part or any rights or powers acquired under this Act, as also the surveys, plans, work, plant, material machinery and other property to it belonging, or for an amalgamation with any of such companies on such terms and conditions as are agreed upon and subject to such restrictions as to the directors may seem fit. 40 45

31. That the company may also construct a telephone line Telephone and telegraph lines. or an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telephone and telegraph lines, the powers conferred R.S.O. 192 upon telephone companies by *The Act respecting Electric Telegraph Companies* (being Chapter 192 of the Revised Statutes of Ontario 1897) as hereby conferred upon the said company, and to undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls R.S.O. 192 for so doing, and to lease such line or lines of telegraph or telephone or any portion thereof.

32. That the company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any Snow fences corporation or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April following.

33. Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be Form of conveyance. sufficient conveyance to the company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the R.S.O. 192 Registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates thereof, and certificates endorsed on the duplicates thereof.

34. The several clauses of *The Railway Act of Ontario*, and Incorporation of R.S.O. c. 207. of every Act in amendment thereof, shall be incorporated with, and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof and the expression "this Act" when used herein may be understood to include the clauses of the said Railway Act, and of every Act in amendment thereof so incorporated with this Act.

35. That the said railway may be commenced within three Commencement and completion. years and completed within ten years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

SCHEDULE A.

(Section 34.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by The Bruce Mines and Algoma Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land (describe the land), the same having been selected and laid out by the said company for the purposes of their railway to hold, with the appurtenances unto the said The Bruce Mines and Algoma Railway Company, their successors and assigns (here insert any other clauses, conditions and covenants required) and I (or our) wife (or wives) of the said do hereby bar my (or our) dower to the said lands.

As witness my (or our) hand and seal (or hands and seals) this
day of 18

Signed, sealed and delivered in the presence of

[L.S.]

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to incorporate the Bruce Mines and
Algoma Railway Company.

First Reading	, 1899.
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(Private Bill.)

Mr. FARWELL.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 44.]

BILL.

[1899.

An Act to incorporate the Bruce Mines and Algoma Railway Company.

 WHEREAS Arthur Smyth Burrows of the town of Sault Ste. Marie, in the District of Algoma, Mining Capitalist, Mayer Wile, of the City of Buffalo, in the State of New York, one of the United States of America, Wholesale Merchant, Bryon Goodsell Coryell, of the Village of Chesaning, in the State of Michigan, one of the United States of America, Banker, Lawson Caryl Holden, of the City of Sault Ste. Marie, in the State of Michigan, one of the United States of America, Attorney-at-law, Bryon Woodward Goodsell, of the City of Chicago, in the State of Illinois, one of the United States of America, Manufacturer, and John McKay, of the Town of Sault Ste. Marie, in the District of Algoma, and Province of Ontario, Barri-ter-at-law, have by ther petition prayed for the incorporation of a company under the name of "The Bruce Mines and Algoma Railway Company" for the purpose of constructing, equipping and operating a steam railway from a point in or near the Village of Bruce Mines in the District of Algoma, thence across the Algoma branch of the Canadian Pacific Railway to the Rock Lake Copper Mines in the townships of Plummer and Coffin in the District of Algoma, thence northerly a distance of thirty miles passing through the townships of McMahon and Gillmor; and whereas it is expedient to grant the prayer of the said petition;  Preamble.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Incorporation. 1. Arthur Smyth Burrows, Mayer Wile, Bryon Goodsell Coryell, Lawson C. Holden, Bryon Woodward Goodsell, and John McKay, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders in the company hereby incorporated shall be and are hereby constituted a body corporate and politic by and under the name of The Bruce Mines and Algoma Railway Company, hereinafter called "the company."

Head office 2. The head office of the company shall be in the town of Sault Ste. Marie, in the District of Algoma, in the Province of Ontario.

Location of line. 3. The company shall have full power and authority to lay out, construct, equip and operate a *steam* railway of the gauge of four feet eight and one-half inches, from a point in or near the village of Bruce Mines, in the District of Algoma, thence across the Algoma branch of the Canadian Pacific Railway to the Rock Lake copper mines in the *townships* of *Plummer and Coffin*, in the District of Algoma, thence northerly a distance of thirty miles, ~~and~~ passing through the townships of McMahon and Gillmor, ~~and~~ with full power to pass over any portion of the country between the points aforesaid.

Authority to make surveys. 4. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than three miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act*, and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction *and* of the lands intended to be passed over, and taken, and the book of reference for the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to "plans and surveys."

R. S. O. 207.1

5. The company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus, or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon. Authority to receive gifts.

6. The provisional directors or elected directors may pay, or agree to pay in cash, or stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Payment in stock.

7. Any municipality through which the said railway may pass, or is situated, is empowered to grant by way of gift to the company, any lands belonging to such municipality, or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land from any Government, or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company. Authority to municipalities to make gifts.

8. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an *Ontario* land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom the lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Stone, gravel, etc.
R. S. O. 207.

Sidings.

9.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans, and publication of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such rights may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceeding section may at all times be exercised and used in all respects, after the railway is constructed, for the purposes of repairing or maintaining said railway.

R. S. O. 207.

(2) When estimating the damages for the taking of gravel, sand, stone or earth, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Purchase of whole lots.

10. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, use, hold and enjoy such lands and also the right of way thereto if the same be separated from their railway, and sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

R. S. O. c. 207.

Provisional Directors.

11. The persons named in section 1 of this Act, with power to add to their number, shall be, and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Stock books.

12. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors or a majority of them, or the

board of directors to be elected as hereinafter mentioned may, in their discretion exclude any one from subscribing for stock, who in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the town of Sault Ste Marie or at such other place as may best suit the interest of the said company.

13. The capital stock of the company hereby incorporated shall be \$300,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 3,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act. Capital stock.

14. When, and as soon as shares to the amount of \$30, are subscribed, and ten per centum paid thereon, into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them present, at a meeting duly called for the purpose, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette* and in one or more newspapers published in the said Town of Sault Ste. Marie, of the time, place and purpose of said meeting. First general meeting.

15. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than nine persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting. Number of directors and quorum.

Rev. stat.,
c. 207.

meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director. ²¹

Qualification.

16. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

General meetings.

17. ²² The head office of the company shall be at the town of Sault Ste. Marie, and ²³ the general *annual* meeting of the shareholders of the company shall be held in such place in the said Town of Sault Ste. Marie, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said Town of Sault Ste. Marie during the four weeks *immediately* preceding the week in which such meeting is to be held.

Special meetings.

18. Special general meetings of the shareholders of the company may be held at such place, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.

Calls.

19. The directors may, from time to time, make calls as they may think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 17 of this Act.

Aliens.

20. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

Authority to issue bonds.

21. ²⁴ The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$15,000 for each mile of the said railway, and the provisions of sub-sections 19, 20, 21, 22 and 23 of Section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections. ²⁵

R.S.O. c. 207.

22. The company may from time to time for advances of money to be made thereon mortgage or pledge any bonds, which *they may be enabled*, under the powers of this Act, to issue for the construction of the *said* railway. **Pledge bonds.**

23. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. **Transfer of stocks.**

24. The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed, by the president or vice-president of the company, and countersigned by the secretary of the company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the *president, vice-president or the secretary* be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the company to issue any *promissory* note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. **Negotiable instruments.**

25. The company is authorized and empowered to make necessary arrangements to contract and agree with the Canadian Pacific Railway Company or the Grand Trunk Railway Company of Canada, or either of them, if lawfully authorized to enter into such arrangements for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act. **Power to amalgamate with certain railways.**

26. The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company or the Grand Trunk Railway Company, of Canada, or either of them, if lawfully empowered to enter into such agreements, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the company to enter into an agreement with the said rail- **Arrangements with other companies.**

way companies, or either of them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or of both or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario. ¹⁰

Telegraph and
telephone
lines.

27. ¹⁰ The company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company ¹¹

Snow fences.

28. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April *next* following.

Form of
conveyance.

29. Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner

and upon such proof of execution as is required under the Registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

30. The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with, and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act, and of every Act in amendment thereof so incorporated with this Act. Incorporation
of R.S.O. c.
207.

31. The said railway shall be commenced within three years and completed within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. Commence-
ment and
completion.

SCHEDULE A.

(Section 29.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by The Bruce Mines and Algoma Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land (describe the land), the same having been selected and laid out by the said company for the purposes of their railway to hold, with the appurtenances unto the said The Bruce Mines and Algoma Railway Company, their successors and assigns forever (here insert any other clauses, conditions and covenants required) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower to the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of 18

Signed, sealed and delivered in the presence of

[L.S.]

2nd Session, 9th Legislature, 62 Viet, 1899

BILL.

An Act to incorporate the Bruce Mines and
Algoma Railway Company.

First Reading 15th February, 1899.

*(Reprinted as amended by Committee on
Railway Bills.)*

MR. FARWELL,

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 45.]

BILL.

[1899.

An Act to confirm By-Law No. 740 of the County of York.

WHEREAS by sub-section 9 of section 658 of "*The Preamble.*
Municipal Act," the council of every county is given power to pass by-laws for the abandoning or otherwise disposing of toll roads owned by such county whether situated wholly within the county or partly within the county and partly within and adjoining county or counties ; and whereas
5 it is provided by said sub-section that no such by-laws shall take effect until assented to by the local municipality or municipalities affected, or until the same shall have been approved by the Lieutenant-Governor-in Council ; and whereas the corporation of the County of York by by law No. 712 of the
10 said corporation intituled, "A by-law to abandon the York roads and transfer the same to the minor municipalities of the County of York," did abandon the said roads and transfer the same to the said minor municipalities ; and whereas the
15 said by-law was approved by the Lieutenant-Governor-in-Council, and the said roads are now under the control of the said minor municipalities in the said county ; and whereas by by-law No. 728 of the said corporation of the County of York intituled "A by-law to abandon part of the Kingston Road in
20 the County of York and transfer the same to the City of Toronto," the said corporation did transfer to the City of Toronto that portion of the Kingston Road within the limits of the said city ; and whereas the City of Toronto, has assented to the said by-law, and the said portion of the Kingston Road
25 is now under the control of the said city ; and whereas on the 5th day of February, 1897, the said corporation of the County

of York passed by-law No. 740 intituled "A by-law to abandon that portion of the Kingston Road within the Township of Pickering," and whereas the corporation of the Township of Pickering has refused to assent to the said by-law, and the Lieutenant-Governor-in-Council has taken no act in respect of the same. 5

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

By-law No.
740 confirmed.

1. The said by-law No. 740 of the corporation of the County of York intituled "A by-law to abandon that portion of the Kingston Road within the Township of Pickering" as set forth in Schedule A to this Act is hereby legalized, confirmed and declared to be valid and binding from the time of the passing of this Act. 10

Abandonment
of road.

2. From and after the time of the passing of this Act the said portion of the said Kingston Road, within the limits of the Township of Pickering shall belong to the corporation of the said Township of Pickering as a public highway, and the said corporation of the Township of Pickering shall have control thereof and shall be subject to all liabilities in respect thereto, in the same manner and to the same extent as if the said highway was an original allowance for road under the 15

R.S.O. c. 223. provisions of *The Municipal Act*.

SCHEDULE A.

BY-LAW No. 740.

To abandon that portion of the Kingston Road within the Township of Pickering.

Whereas the County of York have abandoned the whole of the York Roads, except that portion within the Township of Pickering; be it therefore enacted by the municipal council of the corporation of the County of York :—

1st. That that portion of the Kingston Road extending easterly from the eastern boundary of the township of Scarboro into the Township of Pickering shall be and the same is hereby abandoned by the corporation of the County of York.

2nd. And the said portion of the said Kingston Road shall be and the same is hereby given to the municipal corporation of the Township of Pickering, and shall from henceforth be and become the property of the said municipality, and the corporation of the County of York hereby abandons to the said municipality all rights and ownership of the said corporation of the County of York in and to the same.

3rd. And that by-law No. 687 be and the same is hereby repealed.

J. D. DAVIDSON,
Warden.
GEORGE EAKIN,
Clerk.

Passed February 5th, 1897.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to confirm By-Law No. 740 of the
County of York.

First Reading,	1899.
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(Private Bill.)

HON. MR. DAVIS.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 45.]

BILL.

[1899.

An Act to confirm By-Law No. 740 of the County of York.

WHEREAS by sub-section 9 of section 658 of "*The Preamble.*
Municipal Act," the council of every county is given power to pass by-laws for the abandoning or otherwise disposing of toll roads owned by such county whether situated wholly within the county or partly within the county and partly within and adjoining county or counties; and whereas it is provided by said sub-section that no such by-laws shall take effect until assented to by the local municipality or municipalities affected, or until the same shall have been approved by the Lieutenant-Governor-in Council; and whereas the corporation of the County of York by by-law No. 712 of the said corporation intituled, "A by-law to abandon the York roads and transfer the same to the minor municipalities of the County of York," did abandon the said roads and transfer the same to the said minor municipalities; and whereas the said by-law was approved by the Lieutenant-Governor-in-Council, and the said roads are now under the control of the said minor municipalities in the said county; and whereas by by-law No. 728 of the said corporation of the County of York intituled "A by-law to abandon part of the Kingston Road in the County of York and transfer the same to the City of Toronto," the said corporation did transfer to the City of Toronto that portion of the Kingston Road within the limits of the said city; and whereas the City of Toronto, has assented to the said by-law, and the said portion of the Kingston Road is now under the control of the said city; and whereas on the 5th day of February, 1897, the said corporation of the County

of York passed by-law No 740 intituled "A by-law to abandon that portion of the Kingston Road within the Township of Pickering," and whereas the corporation of the Township of Pickering has refused to assent to the said by-law, and the Lieutenant-Governor-in-Council has taken no *action* in respect of the same.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

By-law No.
740 confirmed

1. Subject to the provisions of the following sections of this Act, the said by-law No. 740 of the corporation of the County of York intituled "A by-law to abandon that portion of the Kingston Road within the Township of Pickering" as set forth in Schedule A to this Act is hereby legalized, confirmed and declared to be valid and binding from the time of the passing of this Act.

Abandonment
of road.

2. That portion of the said Kingston Road lying between the westerly boundary line of the township of Pickering and a point distant one hundred feet west of the western extremity of the bridge over the River Rouge, and that portion of the said Kingston Road, lying between a point one hundred feet east of the easterly extremity of the said bridge over the River Rouge and the eastern extremity of that portion of the Kingston Road formerly owned by the Corporation of the County of York are hereby vested in and shall hereafter be maintained and kept in repair by the said township of Pickering as a public highway in the manner provided by *The*

R.S.O. c. 223. *Municipal Act*.

Bridge vested
in Municipal
Corporation
of Ontario.

3. The said bridge over the River Rouge and the approaches to the said bridge for one hundred feet from the easterly and westerly extremities thereof are hereby vested in and shall be maintained and kept in repair by The Municipal Corporation of the County of Ontario as provided by *The Municipal Act* in the case of county bridges and approaches thereto upon public highways.

Tolls abolish-
ed.

4. No tolls shall hereafter be taken, levied or collected upon the said bridge or upon the other portions of the Kingston Road hereinbefore described.

Payment of
\$1,500: as
full compen-
sation.

5. The Municipal Corporation of the County of York shall pay to The Municipal Corporation of the County of Ontario the sum of one thousand five hundred dollars, and upon such payment shall be relieved from all liability to the said County of Ontario or to the said Township of Pickering with respect to the said bridge and the said portions of the Kingston Road hereinbefore described.

SCHEDULE A.

BY-LAW No. 740.

To abandon that portion of the Kingston Road within the Township of Pickering.

Whereas the County of York have abandoned the whole of the York Roads, except that portion within the Township of Pickering ; be it therefore enacted by the municipal council of the corporation of the County of York :—

1st. That that portion of the Kingston Road extending easterly from the eastern boundary of the township of Scarboro into the Township of Pickering shall be and the same is hereby abandoned by the corporation of the County of York.

2nd. And the said portion of the said Kingston Road shall be and the same is hereby given to the municipal corporation of the Township of Pickering, and shall from henceforth be and become the property of the said municipality, and the corporation of the County of York hereby abandons to the said municipality all rights and ownership of the said corporation of the County of York in and to the same.

3rd. And that by-law No. 687 be and the same is hereby repealed.

J. D. DAVIDSON,
Warden.
GEORGE EAKIN,
Clerk.

Passed February 5th, 1897.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to confirm By-Law No. 740 of the
County of York.

First Reading, 23rd February, 1899.
Second Reading, 13th March, 1899.

(*Reprinted as amended by Private Bills
Committee.*)

MR. RICHARDSON.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 46.]

BILL.

[1899.

An Act Respecting the Town of Port Arthur

WHEREAS the corporation of the town of Port Arthur has Preamble.
petitioned praying that an Act may be passed to confirm and legalize By-Law Number 510 of the said town, passed on the 22nd day of August, 1898, entitled "a by-law to authorize an assessment for town and school purposes for the year 1898," which said by-law is contained in schedule "A" to this Act; and whereas the said corporation has by its said petition represented that it is absolutely necessary, and expedient, and of advantage to the said municipality as well as just and right, that the said by-law number 510 should be ratified, legalized and confirmed. And whereas by its said petition the said town has represented that it has entered into a contract with one Edward Spencer Jenison for the development of certain water power and the furnishing of water and power to the said town, and for the exemption of the works of the said Edward Spencer Jenison from all taxes, rates and assessments, save school taxes, the said contract having been confirmed by by-law number 526 of the said town entitled "by-law respecting water works, electric lighting and power and other services for municipal purposes," and which said by-law was submitted to the ratepayers entitled to vote thereon, 214 voting in favor thereof and 39 against and which said by-law and contract are contained in schedules "B" and "C" respectively to this Act; and that the construction of the said works and the development of the said power will greatly benefit the said town, and has prayed that the said by-law may be ratified, legalized and confirmed; and whereas by its petition aforesaid, the said town

has represented that it owns and operates an electric street railway, running from Port Arthur to West Fort William, a distance of some eight miles, and that the fare on the said railway is, by clause 6 of the order in council approved by His Honor, the Lieutenant Governor, dated 31st December, 1892, being schedule "A" to chapter 78 of 56 Victoria, limited to five cents; and that the said fare is an unreasonably low one; and that the traffic on the said railway at the said rate is not sufficient to pay the expenses of the said railway, and that each year a large deficit results which has to be borne out of the general funds of the municipality, and that it has been unable to come to any arrangement with the corporation of the town of Fort William for varying the terms of the said order in council as regards said fares and also in other respects, and has prayed that permission be given to increase said fares on said railway and otherwise amend the said order in council; and whereas by the Act incorporating the said town, being 47 Victoria, chapter 57, the limits of the said town were defined, but it has recently been decided that by an error said limits did not embrace certain lands which were thought, and intended, to be in the said town and which said lands and the improvements thereon have been assessed by the said town and taxes duly levied and collected thereon for some ten years or more, and great uncertainty has been caused thereby, and the said town has prayed that the said Act of incorporation may be amended as to the said limits so as to carry out the original intention of all parties; and whereas it has been deemed expedient and in the interests of the said town to amend the Act of the Legislature of the Province of Ontario, being chapter 73, of 57 Victoria, with regard to the election of the electric railway and light commissioners of the said town; and whereas the said town was authorized and empowered by section 2 of chapter 74 of 60 Victoria, to purchase an electric lighting plant for municipal purposes, which has been done, and the said town has passed by-law number 527 entitled "a by-law to raise \$15,000 by debentures to pay for the electric lighting plant purchased by the town," a copy of which by-law is contained in schedule "D" to this Act, and it is necessary and expedient to have the said by-law ratified, legalized and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law No.
510 confirmed.

1. By-law number 510 of the said town entitled "a by-law to authorize an assessment for town and school purposes for the year 1898" is hereby ratified, legalized and confirmed and declared legal, valid and binding upon the said corporation and the ratepayers thereof notwithstanding any want of jurisdiction on the part of the said Municipality to pass the said by-

law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same.

2. By-law number 526 of the said town entitled "by-law respecting water-works, electric lighting and power and other services for municipal purposes," and the said contract with the said Edward Spencer Jenison, are hereby ratified, legalized and confirmed and declared legal, valid and binding upon the said corporation and the ratepayers thereof notwithstanding any want of jurisdiction on the part of the said corporation to pass or enter into the same and notwithstanding any defect in substance or in form of the same or in the manner of passing the same.

By-law No.
526 confirmed.

3. Said order in council of 31st December, 1892, being schedule "A" to chapter 78, of 56 Victoria, clause 6 thereof, is hereby amended by repealing paragraphs 3 and 4 thereof, and substituting therefor the following:—"The single cash fare for one continuous trip not to exceed ten cents, with power to the council of the said town to make such regulations as they may see fit for reduced fares for school children and others,

Order in
Council re-
pealed.

4. The said order in council is also amended by allowing the said town of Port Arthur, at their option, to substitute gravel for planking on the streets of Fort William.

Order in
Council
amended.

5. It shall be lawful for the said town of Port Arthur to operate its said electric street railway on Sunday, any Act or Acts to the contrary notwithstanding.

Sunday ser-
vice.

6. The said order in council as so amended is hereby confirmed and declared to be legal and valid to all intents and purposes upon all persons and corporations affected thereby.

Order in
Council con-
firmed.

7. Chapter 73 of 57 Victoria, being an Act respecting the Town of Port Arthur, is amended by adding the following after section 4 thereof:—

57 V. c. 73
amended.

4.—(1) On and after the first day of January, 1900, in addition to the three Commissioners to be elected as above mentioned, the mayor of the said Town of Port Arthur for the time being shall also, by virtue of his office, be an Electric Railway and Light Commissioner.

(2) No councillor of the said town shall be entitled to hold office as such Electric Railway and Light Commissioner.

8. By-law number 527 of the said Town of Port Arthur entitled "By-law to raise \$15,000 by debentures to pay for the electric lighting plant purchased by the Town" is hereby ratified, legalized and confirmed and declared legal, valid and binding to all intents and purposes upon the said corporation and upon the ratepayers thereof.

By-law No.
527 confirmed.

Authority to
issue debentures

9. The said corporation may issue debentures under its seal and signed by the treasurer and countersigned by the mayor for the time being for the said sum of \$15,000 in sums of not less than \$100 each.

Assent of
electors not
necessary.

10. It shall not be necessary to obtain the assent of the electors of the said town to the passing of the said by-law or to the issue of the said debentures or any of them or to observe the requirements which *The Municipal Act* prescribes in relation thereto.

Irregularity in
form not to
invalidate.

11. No irregularity in the form of the said debentures or of the said by-law shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debt with interest or any or either of them or any part thereof.

Limits of Port
Arthur defined.

12. It is declared, any Act or Acts to the contrary notwithstanding, that all the lands and lands covered with water situate within the following limits are and always have been within the corporate limits of the said Town of Port Arthur, that is to say:—Commencing at a point on the water's edge of Thunder Bay where the alignment of the centre line of the road allowance between the towns of Port Arthur and Fort William, produced easterly, intersects the same; thence west along the said centre line to a point due south of the south-west corner of the south-east quarter of section 53 in the Town of Port Arthur, formerly in the Township of McIntyre; thence north along the western limit of the south-east and north-east quarter sections of said section 53, and along the western limit of the south east and north-east quarters of section 50 and along the western limit of the south-east and north-east fractional parts of section 40 to the north-west corner of said north-east fractional part; thence east along the north boundary of said north-east fractional part two chains and sixty-eight links more or less to the south-western limit of lot 5, concession "A"; thence north-westerly along said south-west limit 14 chains more or less to the most western corner of said lot; thence north easterly along the north-west limits of said lot 5 in concession A and lot 5 in concession B to the most northern corner of said lot 5 in concession B; thence north-westerly along the north-east limit of lot 6 in concession B two chains and ten links more or less to the dividing line between sections 34 and 35; thence north-easterly along said dividing line four chains and sixty-one links more or less to the south-west corner of mining location W; thence north along the western limit of said location W to the north-west corner thereof; thence east along the north limit of said location W to the western limit of mining location X; thence north along the western limit of mining locations X, 13 and 10 to the north-west corner of said location 10; thence east along the north limits of mining locations 10, 9, 8 and A to the east-

ern limit of the Township of McIntyre; thence south along said eastern limit to the north-west corner of mining location 6, Herrick's survey, in the Township of McGregor; thence east along the north limit of said location 6 and said limit produced to the waters edge of Thunder Bay; thence south 70 degrees, east astronomically 96 chains more or less to a point distant one mile in a perpendicular direction from the waters edge at the most north-easterly point of mining location 4, Herrick's survey in the said Township of McGregor; thence south-westerly and always at an uniform distance of one mile from said waters edge to a point situate due east from the point of commencement; thence west to the said point of commencement, according to a plan prepared by A. L. Russell, Ontario land surveyor, dated Port Arthur, 28th January, 1899, of record in the Department of Crown Lands, Toronto.

SCHEDULE A.

TOWN OF PORT ARTHUR.—No. 510.

A by-law to authorize an assessment for Town and School purposes for 1898.

Whereas it is expedient and necessary to raise by way of a tax upon all the rateable real and personal property within the Town of Port Arthur a sum of money for the public use of the corporation for the current year 1898, and also for the purposes of defraying part of the expenses of public and high school education within the town.

And whereas the assessed total value of all the rateable real and personal property in the Town of Port Arthur as the same appears by the last revised assessment roll is the sum of \$1,308,640, of which \$304,348 is non-assessable, and \$21,900 is exempt from taxation except for school purposes.

Therefore the council of the corporation of the Town of Port Arthur, enacts as follows:—

1. The assessment heretofore made for the Town of Port Arthur for the year 1898, as shewn after having been finally revised by the Court of Revision and the Judge of the District Court of the Provisional Judicial District of Thunder Bay, within which is the said Town of Port Arthur, to be the sum of \$1,308,640, as above recited in the preamble of this by-law, shall be and the same is hereby adopted by the council of the corporation of the Town of Port Arthur for the year 1898, on which the taxes for the said year 1898 shall be raised, levied and collected, save and except the non-assessable and exempt portions as before in the preamble of this by-law is recited and as hereinafter is provided.

2. There shall be raised, levied and collected by taxation in the Town of Port Arthur for the year 1898, and for the several purposes and in the manner hereinafter mentioned and directed the several sums and amounts following, that is to say:—

(a) For general purposes: For general town purposes, including debenture sinking fund and interest, including all items of civic expenditure, except those hereinafter specially mentioned, the sum of \$23,086.21, and for the purposes of the said levy and collection a special rate of 23½ mills on the dollar, upon its assessed value as above mentioned and as the same appears by the last revised assessment roll, is hereby rated and imposed upon all the rateable real and personal property in the Town of Port Arthur.

(b) For school purposes : For public and high school purposes the sum of \$6,527.90, and for the purposes of such levy and collection a special rate or tax of 6½ mills on the dollar upon its assessable value as appearing as aforesaid is hereby rated and imposed upon all the said rateable real and personal property in the Town of Port Arthur.

3. All monies to be raised, levied and collected under the authority of this by-law shall be paid into the hands of the treasurer of the said Town of Port Arthur, to be by him applied as provided by the Statutes in that behalf, or as the council of the corporation of the Town of Port Arthur shall or may from time to time lawfully direct, and the sum to be raised, levied and collected under the authority of this by-law to defray part of the expenses of the public and high school education within the said Town of Port Arthur shall be applied to that purpose and not otherwise in the manner directed by the Statutes in that behalf in such case made and provided.

GEORGE T. MARKS,
Mayor.
JAMES McTEIGUE,
Clerk.

Council Chamber, Port Arthur,
22nd day of August, 1898.

SCHEDULE B.

TOWN OF PORT ARTHUR.—No. 526.

A by-law respecting waterworks, electric lighting and power, and other services for municipal purposes.

The council of the corporation of the Town of Port Arthur, enacts as follows :—

1. The mayor is empowered on behalf of this corporation to execute the contract between the corporation of the Town of Port Arthur and Edward Spencer Jenison, a draft of which is hereto attached, marked as Schedule A to this by-law, and which schedule is made a part of this by-law to be read therewith, after the same shall have received the assent of the electors and ratepayers as required by law.

2. The votes of the electors, being the qualified ratepayers of the Town of Port Arthur entitled to vote upon this by-law will be taken on this by-law by the clerk of the corporation of the Town of Port Arthur, the returning officer in that behalf, by and through the several deputy-returning officers hereinafter named, on Monday the 2nd (second) day of January, A.D., 1899, commencing at nine o'clock in the morning, when the poll shall be opened, and continuing open until five o'clock in the afternoon of that day, and no longer, at the several undermentioned places in the Town of Port Arthur, namely :—

In the First Ward, at the Council Chamber on Park Street in the said town, by Mr. Neil Macdougall of Port Arthur, as deputy-returning officer for that Ward.

In the Second Ward, at lot five west side of Cumberland Street, by Mr. W. A. McCallum of Port Arthur, as deputy-returning officer for that Ward, and

In the Third Ward, at the Continental Hotel building on Cumberland Street in the said town, by Mr. Jno. M. Munro of Port Arthur, as deputy-returning officer for that Ward.

3. On Friday the 30th day of December, A.D. 1898, at his office in the Council Chamber on Park Street in Port Arthur at eleven o'clock in the forenoon, the mayor shall in writing signed by him, appoint two persons to attend at the final summing up of the votes by the clerk of this corporation and one person to attend at each polling place on behalf of the

persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

4. The said clerk shall attend at the Council Chamber on Park Street at Port Arthur, at noon on Wednesday the 4th day of January, 1899, to sum up the number of votes given for and against this by-law, and at the same time and place in the presence of the persons authorized to attend or such of them as may be present and then and there declare the result and forthwith certify to the council of this municipality under his hand, whether the majority of the electors, being the duly qualified ratepayers in that behalf, voting upon this by-law have approved or disapproved thereof.

GEORGE T. MARKS,
Mayor.
JAMES McTEIGUE,
Clerk.

Council Chamber, Port Arthur,
25th day of January, 1899.

SCHEDULE C.

AGREEMENT made in duplicate this.....day of.....

A.D. 1899. Between the Corporation of the Town of Port Arthur, hereinafter called the Corporation, of the first part, and Edward Spencer Jenison, of the City of Chicago, in the State of Illinois, one of the United States of America, Engineer, hereinafter called the contractor, of the second part.

Whereas the contractor has acquired certain powers and rights in connection with the waters of the Kaministiquia River and other waters in the District of Thunder Bay, and the corporation desires to enter into this agreement for the purpose hereinafter set forth :

Now, therefore, it is witnessed that the corporation and the contractor do hereby mutually agree and covenant with each other as follows, that is to say :

1. The contractor shall and will, subject to the conditions hereinafter mentioned, within three years from the first day of January, 1899, construct and complete or cause to be constructed and completed, the works necessary to furnish and supply to the corporation a water supply sufficient and ample in all respects to meet the requirements of the corporation from time to time for all municipal and domestic purposes, and to supply seven hundred and fifty (750) horse power of electric power or energy to operate the electric railway, lighting and heating systems owned and operated by the corporation and for the other purposes hereinafter set forth ; and further, the contractor shall within the said period provide a water supply on the high lands adjacent to the said town of Port Arthur sufficient to produce ten thousand horse power.

2. The said water supply shall be drawn from the Kaministiquia River at a point above the falls known as Kakabeka Falls, and from the streams and creeks between the said point and the Town of Port Arthur, and shall be free from such impurities as will unfit it for domestic use according to the certificate of the analyst of the Dominion Government, and the said water supply, as well as the electric current for the said seven hundred and fifty (750) horse power shall be delivered and supplied to the corporation at any point or points east of the McIntyre River, and within a distance of two miles from the intersection of Cumberland and Arthur Streets in the said town, to be selected by the contractor.

3. The water to be so supplied now or at any future time shall be delivered in such a manner that it will have a head of not less than from

two hundred and fifty to three hundred feet above the level of Lake Superior available for use, and shall be delivered to the points above named through a pipe one size larger than the corporation uses to take the water away therefrom.

4. The quantity of the said water supply is not, except upon the terms and conditions hereinafter set forth, to exceed two hundred and fifty millions (250,000,000) of gallons per year, and the electric power or energy to be supplied as aforesaid is not, except upon the terms and conditions hereinafter set forth, to exceed seven hundred and fifty (750) horse power.

5. The corporation shall have the right to make use of the water to be so supplied as aforesaid, as well as of the additional quantity to be supplied on the terms and conditions hereinafter contained for all the said municipal and domestic purposes, which are hereby declared to include the furnishing of a water supply to any railway company doing business in the said Town of Port Arthur, provided, however, and it is hereby expressly stipulated and agreed, that the corporation shall not take, and the contractor shall not be bound to supply or deliver, any water to be used by the corporation for the purpose of making power or energy of any kind for any purpose, or any water to be sold, disposed of, furnished or delivered to customers or consumers for use in the manufacture of power or energy of any kind or for any other hydraulic or manufacturing purpose.

6. The corporation shall have the right to make use of the said seven hundred and fifty (750) horse power of electric power or energy, as well as of the additional power or energy to be supplied on the terms and conditions hereinafter contained during the whole 24 hours of every day for all municipal purposes, for which such power or energy may be required by the corporation, including the operation of the electric railway, lighting and heating systems owned and operated by it so long as the same shall continue to be owned and operated by the corporation, but no longer; and it is hereby expressly stipulated and agreed that the corporation shall not take, and the contractor shall not be bound to supply or deliver any electric power or energy to be used by the corporation for any other purpose than those hereinbefore mentioned, except as set forth in paragraph number seven (7) of this agreement.

7. During a term of five years, commencing from the completion of the said works, but no longer, the corporation shall have the right to sell, lease or otherwise dispose of to consumers or customers within the said Town of Port Arthur any surplus electric power or energy supplied to it as aforesaid over and above that which may be required by the corporation to properly and efficiently operate its electric railway, lighting and heating systems and fully supply the demands and requirements of the public in respect thereof; and further, after the expiration of the said term of five years when the right of the corporation to sell, lease or otherwise dispose of surplus power or energy as aforesaid shall have ceased, the corporation shall have the right from time to time to alter the respective quantities of water and of electric power or energy to be supplied to it as aforesaid by exchanging the surplus water, to which it may from time to time be entitled as aforesaid over and above its requirements for electric power or energy, or by exchanging for water the surplus electric power or energy to which it may from time to time be entitled as aforesaid over and above its said requirements, and such exchanges, if any, shall be effected on the basis of each single horse power of electric power or energy, being equal in value to one million gallons of water; provided, however, that before effecting any such exchange the corporation shall give to the contractor twenty days' notice in writing of its desire to do so, and of the respective amounts of water and of power or energy required by it, and that such notice shall be binding and conclusive as to the respective amounts of water and of power or energy to be thereafter delivered.

8. Before the completion of the said works the contractor shall give to the corporation notice in writing specifying the date at which he expects to have the same completed and ready for operation, and such notice, if

given between the first day of November in any year and the first day of May next ensuing, shall be for a period of six months, commencing from such first day of May, and if given between the first day of May in any year and the first day of November next ensuing, it shall be for a period of twelve months, commencing from the said first day of November, but no penalty or damages shall be recoverable from the contractor for failure to complete the said works according to or at the time named in such notice, and the parties hereto may by mutual agreement change and alter the stipulations and agreements contained in this paragraph as to such notice.

9. Upon the completion of the works necessary to provide the said water and power supply, and from and after the date of such completion, and yearly and every year thereafter, during the currency of this agreement, the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, the sum of ten thousand (\$10,000) dollars per year, in four equal quarterly payments of two thousand five hundred (\$2,500) dollars each, the first of which shall become due and be paid at the expiration of three months from the completion of the said works and the completion of the term of notice to the corporation hereinbefore provided for, and the subsequent payments of which shall become due and be paid at the expiration of each and every period of three months next ensuing after the date fixed as aforesaid for the said first payment; provided, however, that if after making due efforts the corporation shall upon the completion of the said works be unable to receive the said water and power supply, then the corporation shall not, until it shall be in a position to receive the same, be called upon to commence making the said payments before the expiration of the time within which the contractor is hereby bound as aforesaid to complete his said works.

10. The contractor shall furnish and deliver to the corporation, from time to time, all the water required by it for the purposes for which water is to be supplied to it as aforesaid over and above the said quantity of two hundred and fifty millions of gallons per year, and also all the electric power or energy required by it to operate its electric railway, lighting and heating systems, and for all other purposes hereinbefore mentioned over and above the said seven hundred and fifty horse power, to the full extent of the capacity of the works, which the contractor is now, or shall hereafter be, authorized and empowered to construct, and shall from time to time and at all times, upon receipt of proper and reasonable notice of the corporation's increased requirements of water or electric power or energy, and so far as he is authorized to do so, construct the works necessary to meet such additional requirements, and the corporation shall have the right from time to time and at all times to take and use the water and electric power or energy required by it for any of the purposes for which water or electric power or energy are to be supplied to it as aforesaid, to the full extent of the capacity of the contractor's works, provided, however, that the agreements and stipulations contained in this paragraph shall be subject to the terms and conditions set forth in paragraphs number eleven (11), twelve (12), and thirteen (13), of this agreement.

11. When and as often as the quantity of water supplied and delivered to the corporation as aforesaid shall exceed sixty-two million five hundred thousand (62,500,000) of gallons for any of the said periods of three months, the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, one cent for each one thousand gallons of such excess, and the same shall become due and be paid quarterly on the second of the said quarter days next ensuing after the completion of the period of three months during which such excess may occur, provided, however, that if at the end of any year (to be reckoned from the date of completion of said works, as aforesaid, or some date to be mutually agreed upon between the parties hereto) the amount of water supplied during such year to the corporation shall not have exceeded two hundred and fifty millions of gallons altogether, the corporation shall have the right to deduct from the last of its payments for such year, any sum or sums which it may have already paid for water supplied to it in any three

months of such year in excess of sixty-two million five hundred thousand (62,500,000) gallons.

12. When and as often as the amount of electric power or energy supplied and delivered to and taken by the corporation as aforesaid shall exceed seven hundred and fifty horse power, the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, the sum of twenty-five dollars (\$25.00) per year for each horse power of such excess, and the same shall become due and be paid quarterly on the second of the said quarter days next ensuing after the completion of the period of three months during which such excess may occur.

13. The contractor shall not be obliged or compelled, notwithstanding anything contained in paragraph number ten hereof, to supply or deliver to the corporation any quantity of water in excess of the said quantity of two hundred and fifty millions of gallons per year, or any amount of electric power or energy in excess of seven hundred and fifty horse power, except to the extent to which the contractor can supply and deliver such excess, after supplying and delivering to other customers or consumers with whom he may from time to time have contracts or agreements, the water or power required by them under such contracts or agreements for manufacturing, hydraulic or other purposes for which the contractor shall have authority to supply or deliver water or power or energy; but the contractor shall not at any time after the receipt of notice of the corporation's increased requirements of water or power, as provided in paragraph number ten (10) hereof, make or enter into any new contract or agreement with any consumer or customer for the supply or delivery of either water or power, if the fulfilment of such contract or agreement may prevent the contractor from supplying and delivering to the corporation the additional amounts of water or power required by it under paragraph number ten (10) hereof.

14. Should the payments or any part of the payments to be made under this agreement remain overdue and unpaid for a period of thirty (30) days from the days and times on which they shall respectively become due and payable the contractor shall thereupon be at liberty to shut off the supply of water and electric power or energy contemplated by this agreement, and cease to supply or deliver any water or electric power or energy, or either of them to the Corporation, until all monies due under this agreement shall have been fully paid and satisfied.

15. The contractor shall be considered to have supplied to the corporation, and the corporation shall be considered to have supplied to customers or consumers, electric power or energy to the full capacity of any motor or other appliance or set of appliances with which either the contractor or the corporation may connect a conductor of electrical power or energy when and so long as the electric current supplied to such conductor is of sufficient capacity to operate such motor or other appliance or set of appliances, whether the same be used during only part or the whole of the time thereafter, but no extra charge for power shall be made to the corporation until the gross amount of electric power or energy supplied to the different motors or other appliances of the corporation or its customers or consumers shall exceed seven hundred and fifty horse power.

16. The contractor shall have the right to sell, lease or otherwise dispose of and to deliver water derived from the sources above named for manufacturing and hydraulic purposes of all kinds, and for all other purposes for which water is not to be supplied to the corporation as aforesaid, within the limits of the said Town of Port Arthur, and also to sell, lease or otherwise dispose of and to deliver mechanical, electrical and hydraulic power and energy, electricity, compressed air and power and energy in any other more condensed form derived from the sources above named that may from time to time be in use, and for the purposes of so doing to convey and conduct such water, mechanical, electrical and hydraulic power and energy, electricity, compressed air and power and energy in any other more condensed form through, along, under and over the streets, highways and public places of the corporation, by means of pipes, mains, wires, poles

and conduits, and other approved methods that may from time to time be in use for such purposes; provided, however, that in so doing the contractor shall interfere as little as reasonably may be with the existing pavements, sewers, watermains, pipes and wire and pole lines of the corporation, and shall construct and operate the said works in a proper and workmanlike manner and under competent supervision and in such a way as to interfere with and interrupt as little as possible the public use of such streets, highways and public places; and provided further that the contractor shall give to the corporation twenty days' notice in writing before entering upon any of the streets, highways, or public places of the corporation for the purpose of constructing any of the said works and that the said works shall be constructed in the manner approved of by a civil engineer to be named by the corporation as least calculated to interfere with the public use of such streets, highways and public places, and that upon the completion of any of the said works the said streets, highways and public places shall be restored as nearly as possible to their original condition to the satisfaction of the said civil engineer and provided also that the contractor shall indemnify and save harmless the corporation from all damages properly recoverable against it by reason of anything done by the contractor under the provisions of this paragraph.

17. Should the corporation at any time do away with all its wire and pole lines either throughout the whole of the said town or throughout any particular areas or sections of it in which the congestion of business or traffic may make such a course necessary, the contractor shall also upon receipt of reasonable notice remove his wire and pole lines from above the surface of the said streets, highways and public places within the same areas or sections.

18. The works to be constructed by the contractor under this agreement (including those mentioned in paragraph 16 hereof) and all the property whether real or personal used or occupied in connection therewith shall during the currency of this agreement be exempt from all taxes and assessments of every kind except only school taxes and local improvement rates.

19. This agreement shall remain in force until the first day of January, 1932.

20. This agreement and all the terms and provisions hereof shall be in all respects binding upon, and shall enure to the benefit of the heirs, executors, administrators and assigns of the contractor and the successors and assigns of the corporation, and the contractor shall have the right at any time to sell, lease, assign, transfer and set over this agreement and all his rights, powers and privileges hereunder to any company or corporation that may be formed for the purpose of carrying out the undertaking or works contemplated by this agreement or any part of such undertaking or works, and upon notification to the corporation of such assignment or transfer this agreement and all the rights, powers and privileges hereby granted to the contractor shall at once become vested in and exercisable by the said company or corporation to be formed as aforesaid in the same way to all intents and purposes and to the same extent as if the name of such company or corporation were substituted for that of the contractor in this agreement.

21. The contractor shall not offer any inducements in the shape of lower prices or otherwise to consumers to locate in one municipality in preference to another.

22. Time shall be of the essence of this agreement, and this agreement shall be altogether null and void if the contractor shall not within three years from the first day of January, 1899, have completed the works specified in paragraph number one (1) hereof.

In witness whereof the seal of the corporation under the hands of its mayor and clerk has been hereunto affixed and the contractor has hereunto set his hand and seal.

Signed, Sealed and Delivered }
in the presence of }

BILL.

An Act respecting the Town of Port Arthur,

First Reading,	1899.
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(Private Bill).

MR. CONNELL.

TORONTO :

PRINTED BY J. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 46.]

BILL.

[1899.

An Act Respecting the Town of Port Arthur

WHEREAS the corporation of the town of Port Arthur has Preamble.
petitioned praying that an Act may be passed to confirm and legalize By-Law Number 510 of the said town, passed on the 22nd day of August, 1898, entitled "a by-law to authorize an assessment for town and school purposes for the year 1898," which said by-law is contained in schedule "A" to this Act; and whereas the said corporation has by its said petition represented that it is absolutely necessary, and expedient, and of advantage to the said municipality as well as just and right, that the said by-law number 510 should be ratified, legalized and confirmed; and whereas by its petition aforesaid, the said town has represented that it owns and operates an electric street railway, running from Port Arthur to West Fort William, a distance of some eight miles, and that the fare on the said railway is, by clause 6 of the order in council approved by His Honor, the Lieutenant Governor, dated 31st December, 1892, being schedule "A" to chapter 78 of 56 Victoria, limited to five cents; and that the said fare is an unreasonably low one; and that the traffic on the said railway at the said rate is not sufficient to pay the expenses of the said railway, and that each year a large deficit results which has to be borne out of the general funds of the municipality, and that it has been unable to come to any arrangement with the corporation of the town of Fort William for varying the terms of the said order in council as regards said fares, and also in other respects, and has prayed that permission be given to increase said fares on said railway and otherwise amend the said order

in council ; and whereas by the Act incorporating the said town, being 47 Victoria, chapter 57, the limits of the said town were defined, and the said town has prayed that the said Act of incorporation may be amended as to the said limits *as hereinafter mentioned* and whereas the said town was authorized and empowered by section 2 of chapter 74 of 60 Victoria, to purchase an electric lighting plant for municipal purposes, which has been done ~~after~~ after a by-law declaring the expediency of purchasing such plant had been submitted to the ratepayers and almost unanimously approved, ~~and~~ and the said town has passed by-law number 527 entitled "a by-law to raise \$15,000 by debentures to pay for the electric lighting plant purchased by the town," a copy of which by-law is contained in schedule "B" to this Act, and it is necessary and expedient to have the said by-law ratified, legalized and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

By-law No. 510 confirmed. 1. By-law number 510 of the said town entitled "a by-law to authorize an assessment for town and school purposes for the year 1898" is hereby ratified, legalized and confirmed and declared legal, valid and binding upon the said corporation and the ratepayers thereof notwithstanding any want of jurisdiction on the part of the said Municipality to pass the said by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same.

~~2.~~ 2. Notwithstanding the provisions of clause 6 of the schedule "A" to chapter 78 of 56 Victoria, the rates of fare of the electric street railway of the Town of Port Arthur and the question of substituting gravel for planking on the streets of Fort William along the company's tracks may in case respective councils of Port Arthur and Fort William cannot agree regarding same be varied from time to time with the consent and approval of the Lieutenant-Governor in Council in that behalf. ~~3.~~

By-law No. 527 confirmed. 3.—(1) By-law number 527 of the said Town of Port Arthur entitled "By-law to raise \$15,000 by debentures to pay for the electric lighting plant purchased by the Town" is hereby ratified and confirmed and declared legal, valid and binding to all intents and purposes upon the said corporation and upon the ratepayers thereof.

~~2.~~ (2) All debentures issued heretofore or hereafter to be issued by the Town of Port Arthur for the purpose of purchasing the said electric lighting property and plant or for extending and operating the same shall be a first preferential charge and lien on the said electric lighting property and plant and shall also

be a first charge or lien on the net income derived from the operating of the said property and plant. ⁶¹

4. The said corporation may issue debentures under its seal and signed by the treasurer and countersigned by the mayor for the time being for the said sum of \$15,000 in sums of not less than \$100 each. ^{Authority to issue debentures}

5. It shall not be necessary to obtain the assent of the electors of the said town to the passing of the said by-law or to the issue of the said debentures or any of them or to observe the requirements which *The Municipal Act* prescribes in relation thereto. ^{Assent of electors not necessary. R.S.O. c. 223.}

6. No irregularity in the form of the said debentures or of the said by-law shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debt with interest or any or either of them or any part thereof. ^{Irregularity in form not to invalidate.}

7. All the lands and lands covered with water situate within the following limits are ⁶²hereby declared to be and to have been since the first day of January, 1899, ⁶³within the corporate limits of the said Town of Port Arthur, that is to say:—Commencing at a point on the water's edge of Thunder Bay where the alignment of the centre line of the road allowance between the towns of Port Arthur and Fort William, produced easterly, intersects the same; thence west along the said centre line to a point due south of the south-west corner of the south-east quarter of section 53 in the Town of Port Arthur, formerly in the Township of McIntyre; thence north along the western limit of the south-east and north-east quarter sections of said section 53, and along the western limit of the south-east and north-east quarters of section 50 and along the western limit of the south-east and north-east fractional parts of section 40 to the north-west corner of said north-east fractional part; thence east along the north boundary of said north east fractional part two chains and sixty-eight links more or less to the south-western limit of lot 5, concession "A"; thence north-westerly along said south-west limit 14 chains more or less to the most western corner of said lot; thence north easterly along the north-west limits of said lot 5 in concession A, and lot 5 in concession B to the most northern corner of said lot 5 in concession B; thence north-westerly along the north-east limit of lot 6 in concession B two chains and ten links more or less to the dividing line between sections 34 and 35; thence north-easterly along said dividing line four chains and sixty-one links more or less to the south-west corner of mining location W; thence north along the western limit of said location W to the north-west corner thereof; thence east along the north limit of said location W to the western limit of mining location X; thence ^{Limits of Port Arthur defined.}

north along the western limit of mining locations X, 13 and 10 to the north-west corner of said location 10; thence east along the north limits of mining locations 10, 9, 8 and A to the eastern limit of the Township of McIntyre; thence south along said eastern limit to the north-west corner of mining location 6, Herrick's survey, in the Township of McGregor; thence east along the north limit of said location 6 and said limit produced to the waters edge of Thunder Bay; thence south 70 degrees, east astronomically 96 chains more or less to a point ⁴² which is distant one mile measured east at right angles to a north and south line drawn through the most easterly point of mining location 4 at the water's edge thereof, thence in a straight line in a south westerly direction 370 chains more or less to a point where it is intersected by the production east of the centre line of the road allowance between the Towns of Port Arthur and Fort William, said point being distant 1 mile in a north easterly direction from the water's edge at the south east angle of lot 19 on the water front in the Town of Fort William north of the Kaministiquia river, thence west along said production of road allowance to the point of commencement. ⁶³

⁴² 8. The assessment to be made by the Town of Port Arthur of all the real estate, buildings and machinery comprising the elevator property owned by the Canadian Pacific Railway Company and of all the improvements thereto and of the water lot upon which the said elevator is erected and embraced in the patent from the crown dated the 15th day of April, 1896, and of all other structures now existing thereon, is hereby fixed at \$25,000 for a period of ten years from the 1st day of January, 1899; and the assessment of all the other property of the said company now owned by it within the said limits of the said town and of all buildings or structures thereon and all improvements to the said buildings and structures is hereby as already provided by by-law, fixed at \$25,000 for the ensuing three years. ⁶⁴

⁴² 9. All claims existing prior to the 31st day of December, 1898, between the said municipality and the said railway company for moneys due in respect of taxes paid to the municipality or as owing by the said company in respect of taxes and for interest upon the amounts of such claims and costs are hereby declared to be settled, determined and put an end to. ⁶⁵

SCHEDULE A.

TOWN OF PORT ARTHUR. No. 510.

A by-law to authorize an assessment for Town and School purposes for 1898.

Whereas it is expedient and necessary to raise by way of a tax upon all the rateable real and personal property within the Town of Port Arthur a sum of money for the public use of the corporation for the current year 1898, and also for the purposes of defraying part of the expenses of public and high school education within the town.

And whereas the assessed total value of all the rateable real and personal property in the Town of Port Arthur as the same appears by the last revised assessment roll is the sum of \$1 308,640, of which \$304,348 is non-assessable, and \$21,900 is exempt from taxation except for school purposes.

Therefore the council of the corporation of the Town of Port Arthur, enacts as follows :—

1. The assessment heretofore made for the Town of Port Arthur for the year 1898, as shewn after having been finally revised by the Court of Revision and the Judge of the District Court of the Provisional Judicial District of Thunder Bay, within which is the said Town of Port Arthur, to be the sum of \$1,308,640, as above recited in the preamble of this by-law, shall be and the same is hereby adopted by the council of the corporation of the Town of Port Arthur for the year 1898, on which the taxes for the said year 1898 shall be raised levied and collected, save and except the non-assessable and exempt portions as before in the preamble of this by-law is recited and as hereinafter is provided.

2. There shall be raised, levied and collected by taxation in the Town of Port Arthur for the year 1898, and for the several purposes and in the manner hereinafter mentioned and directed the several sums and amounts following, that is to say :—

(a) For general purposes : For general town purposes, including debenture sinking fund and interest, including all items of civic expenditure, except those hereinafter specially mentioned, the sum of \$23,086.21, and for the purposes of the said levy and collection a special rate of $23\frac{1}{2}$ mills on the dollar, upon its assessed value as above mentioned and as the same appears by the last revised assessment roll, is hereby rated and imposed upon all the rateable real and personal property in the Town of Port Arthur.

(b) For school purposes : For public and high school purposes the sum of \$6,527.90, and for the purposes of such levy and collection a special rate or tax of $6\frac{1}{2}$ mills on the dollar upon its assessable value as appearing as aforesaid is hereby rated and imposed upon all the said rateable real and personal property in the Town of Port Arthur.

3. All monies to be raised, levied and collected under the authority of this by-law shall be paid into the hands of the treasurer of the said Town of Port Arthur, to be by him applied as provided by the Statutes in that behalf, or as the council of the corporation of the Town of Port Arthur shall or may from time to time lawfully direct, and the sum to be raised, levied and collected under the authority of this by-law to defray part of the expenses of the public and high school education within the said Town of Port Arthur shall be applied to that purpose and not otherwise in the manner directed by the Statutes in that behalf in such case made and provided.

GEORGE T. MARKS,
Mayor.
JAMES McTEIGUE,
Clerk.

Council Chamber, Port Arthur,
22nd day of August, 1898.

SCHEDULE B.

TOWN OF PORT ARTHUR.—No. 527.

By-law to raise \$15,000 by debentures to pay for the Electric Lighting Plant purchased by the Town.

Whereas the corporation of the Town of Port Arthur has purchased an electric lighting plant for municipal purposes as authorized and empowered by section 2 of chapter 74 of 60 Victoria :

And whereas it is necessary and expedient to raise the sum of \$15,000 by debentures to pay for the same :

And whereas it will be requisite to raise annually during the term of thirty years by special rate for paying the said debt and interest the sum of \$1,017.00 ;

And whereas the amount of the whole rateable property of the municipality according to the last revised assessment roll amounts to \$1,308,640, of which \$304,348.00 is wholly exempt from taxation and \$21,900.00 is exempt except for school taxes.

And whereas the existing debenture debt of the municipality amounts to \$244,725.00 (of which \$23,475.00 is for local improvements) and no principal or interest is in arrear ;

Therefore the council of the corporation of the Town of Port Arthur enacts as follows :—

1. It shall be lawful for the mayor of the corporation of the Town of Port Arthur for the purposes aforesaid to borrow the said sum of fifteen thousand dollars and to issue debentures of the said municipality to the amount of \$15,000 in sums of not less than \$100 each, payable at the end of thirty years from the date on which this by-law takes effect, which debentures shall bear interest at a rate not exceeding five per cent per annum, payable half yearly, on the first days of April and October in each and every year during the currency of the said debentures.

2. The said debentures as to the principal and interest shall be payable at the Ontario Bank, Toronto, Ont.

3. It shall be lawful for the mayor and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued and cause the same and the interest coupons thereto attached to be signed by the treasurer of the municipality, and the clerk of the municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

4. There shall be raised and levied annually by special rate on all the rateable property in the said municipality the sum of \$750.00 for the payment of the interest during the currency of the said debentures and also the sum of \$267.00 for the payment of the said debt.

5. This by-law shall take effect on the 30th day of January, 1899.

J. L. MATTHEWS,
Presiding Officer.
JAS. McTEIGUE,
Clerk.

Council Chamber, Port Arthur,
30th January, 1899. 

BILL.

An Act respecting the Town of Port Arthur

First Reading, 23rd February, 1899.
Second Reading, 22nd March, 1899.

(*Reprinted as amended by Private Bills
Committee.*)

MR. CONMEE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 47.]

BILL

[1899.

An Act to incorporate the Mutuality Life Insurance Company.

WHEREAS Joseph J. Follett, Merchant; William East, Preamble
Manufacturer; Thomas Bell, Esquire, William Fair-
banks, Esquire, and Martin Newman Merry, Accountant, all
of the City of Toronto, in the County of York, have by their
5 petition prayed for the incorporation of a Company in the
name, style and title of the "Mutuality Life Insurance Com-
pany" for the purpose of carrying on a general life insurance
business on the mutual principle; and whereas it is expedient
to grant the prayer of the said petition;

10 Now therefore Her Majesty by and with the advice and
consent of the Legislative Assembly of the Province of Ontario
enacts as follows:—

1. The petitioners hereinbefore named, together with such Incorporation
other persons as now are or shall hereafter become members of
15 the said Company, are hereby constituted a body corporate
under the name of the "Mutuality Life Insurance Company,"
hereinafter called "The Company."

2. The Company may effect contracts of Life Insurance on General
the mutual principle with any person or corporation on life or Powers of
20 lives or on or against any event, loss or risk in any manner Company
on life or lives, grant, sell, or purchase annuities, grant endow-
ments, purchase contingent rights, reversions or remainders,
and generally enter into any transaction dependent on the
defendant.

contingency of life, and such as are usually transacted by life insurance companies, including reinsurance.

Commence-
ment of busi-
ness.

3. Before commencing business and issuing policies, at least two hundred applications for insurance shall have been made and accepted by the provisional directors such application to amount in the aggregate to at least one hundred thousand dollars, and thereupon the company shall be entitled to take out a license for the transaction of life insurance within the Province of Ontario without the payment of the deposit required by the *Ontario Insurance Act*. 5 10

Government
deposit.

4. On filing the first annual statement as required by the *Ontario Act*, the company shall deposit with the Ontario Government securities to be approved by the Inspector of Insurance of the Province of Ontario, to an amount equal to the reserve on all outstanding risks shown to be in force on the thirty-first day of December in the preceding year, and such securities shall be increased from year to year in like manner until the sum of fifty thousand dollars has been deposited, such deposits to be in lieu of any and all deposits required by the *Ontario Insurance Act*. 15 20

Amount of
policies.

5. No policy or policies of insurance, the aggregate amount of which exceeds two thousand dollars on any single risk, shall be issued until the assets of the company exceed twenty-five thousand dollars.

Provisional
directors.

6. The petitioners hereinbefore named, together with such other persons not exceeding ten as they shall associate with them, shall constitute the provisional directors of the company a majority of whom shall form a quorum, and they shall continue in office until the first annual meeting of the company or until their successors are appointed. 25 30

Who shall be
members.

7. Any individual or corporation who is the legal or beneficial owner of a policy of insurance in the said company and who shall have paid all premiums due thereon, shall be a member of the company and entitled to all the benefits thereof under the provisions of this Act and the by-laws of the company. 35

Directors.

8. The board of directors shall be chosen annually by ballot, and shall consist of not less than seven nor more than fifteen directors, a majority of whom shall form a quorum. The board of directors shall elect a president and one or more vice-presidents from among their own number. Such of the said persons hereinbefore named, or such other persons who have attained the age of twenty-one years or upwards, and who shall be policyholders in the company in the sum of at least one thousand dollars, shall be entitled, on election by the majority of the votes of duly qualified members present 40 45

Qualification.

in person or by proxy at the annual meeting of the company, to act as directors of the company until the next annual meeting or until their successors are appointed, and such directors shall be eligible for re-election. If any director shall fail to
 5 accept office, or die, or be otherwise disqualified, the remaining directors shall choose in his stead any qualified member of the company who shall remain in office until the next meeting only unless then re-elected. The directors may enact by-laws to carry out the objects of this Act, and may pay out of the
 10 general funds of the company the expenses of and incidental to the incorporation thereof, and do whatever else may be necessary for effectually carrying out the provisions of this Act.

Vacancies.

Powers.

9. The annual meeting of the company shall be held at the
 15 head office of the company at ten o'clock in the forenoon on the first Wednesday in February in each year, and at such meetings reports shall be received, directors elected and all such other business transacted as shall properly come before the meeting.

Meetings
Annual.

20 10. The head office of the company shall be in the City of Toronto, in the Province of Ontario.

Head Office.

11. Every holder of a policy of insurance in the said company, of the age of twenty-one years or upwards, upon which all premiums due have been paid, shall be entitled to attend
 25 the annual meeting of the company in person or by proxy and to vote on all motions which may be brought before the said meetings.

Voters at
Annual
Meeting.

12. The whole of the net profits of the Company shall
 30 belong exclusively to the holders of participating policies, and shall be divided among them in such proportions and at such times as the Directors may appoint.

Profits.

13. The Company shall have a corporate seal, and may
 sue and be sued under its corporate name.

Seal.

14. No director or official or policy-holder shall enter into
 35 any negotiations for the purpose of re-insuring the outstanding risks or for having the risks assumed by any other company, or for an amalgamation with any other company, without first giving notice of such intention to the Inspector of Insurance, a copy of such notice to be published in a Toronto
 40 paper for at least three months, provided, however, that the Company shall not be prevented from re-insuring a portion of any single risk in the ordinary course of business.

Amalgamation.

15. The directors of the company shall cause to be printed
 on each policy issued, the following notice, to wit: "The
 45 annual meeting of the company will be held, at the head

Notice of
Annual
Meeting.

office, at ten o'clock in the forenoon on the first Wednesday of February in each year, and you are entitled, if of the age of twenty-one years or upwards, to attend said meeting and vote on all motions brought before such meetings."

Provisions of
Rev. Stat. c.
203, incorpor-
ated.

16. Sections 40, 42, 43, 44, 46, 92, (sub-sections 1, 2, 3), 99, 5
100, 101, 102, 105, 109, 114 and 197 of the Ontario, Insurance
Act, shall apply to the Company hereby incorporated as if the
said sections had been specially set out in this Act and as if
the said Company had been specially named in the said sec-
tions, and as if the words "Mutuality Life Insurance Company" 10
had been inserted in the said sections instead of the words
" Mutual or Cash Mutual Fire Insurance Company " wherever
the same are found therein.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

The Mutuality Life Insurance Company.

First Reading

1899

(Private Bill)

Mr. MARTER.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting the Town of Oshawa.

Preamble.

WHEREAS the corporation of the Town of Oshawa have by their petition shewn that by-law No. 460 of said corporation to authorize the issue of debentures for the sum of \$110,000.00 for the construction of a system of waterworks and sewers in said town was duly passed by the council of said corporation on the 23rd day of January, A.D. 1899, after having been, upon due publication of the same and of all necessary and proper notices and estimates in respect thereof, duly voted upon by the qualified electors of said town and duly declared to have been carried by a majority of 67 out of a total of 481 votes cast; that the said by-law (a copy whereof is contained in Schedule A to this Act) is not within the powers of said corporation by reason of the payments of said debentures being thereby extended for a period of 40 years and otherwise; that it is provided in and by said By law that the same shall not come into effect until approved of and confirmed by an Act of the Legislature of the Province of Ontario; that doubts also have been expressed as to the legality of the division of the said sum into two parts for waterworks and sewers respectively and otherwise and it is desirable to set the same at rest; that the said corporation proposes to issue the said debentures either in one sum or such sums as may be required from time to time for the said purposes as the work shall proceed; and whereas said corporation have by their said petition prayed that an Act may be passed validating and confirming said by-law and for other purposes incidental thereto in order to give the same due effect; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Preamble.

1. The said by-law number 460 of the said the corporation of the Town of Oshawa (a true copy whereof is set out in Schedule A to this Act) is hereby approved of, validated and confirmed, and with the debentures to be issued in pursuance thereof and of this Act and the interest coupons to such debentures declared to be legal and binding upon the said town of Oshawa and the ratepayers thereof to the fullest extent and for all purposes whatsoever notwithstanding any deficiency in form, mode of passing or otherwise of the said by-law and debentures respectively, and notwithstanding any Act, matter or thing to the contrary whatsoever, and notwithstanding any want of authority of the said corporation in respect thereof.

Authority to
Issue Deben-
tures.

2. The said corporation may at any time whether before or after the taking effect of said by-law direct the issue of the debentures to be issued pursuant to said by-law and this Act in such manner and in such amounts as may be from time to time required for the several purposes set out in said by-law, and may issue such debentures either in sterling money of Great Britain or in lawful money of Canada and either in one issue for the whole amount of \$110,000.00 as set out in the Schedule to said by-law or, in case it be deemed desirable not to issue the whole amount at one time, then for such aliquot part or parts of said yearly sums or payments as may be from time to time required, issuing such debentures in such manner as that the whole amount payable for principal and interest in respect of each of such issues in any one year shall be as nearly as possible equal to what shall be payable in respect of such issues respectively in each of the other years during the period of 40 years during which said debentures are and may be made payable and may continue such issues of said debentures until debentures to the whole amount of \$110,000.00 shall have been issued for the said several purposes; and said corporation shall raise and levy by a special rate in each year sufficient therefor on all the rateable property in the said Town of Oshawa a sum sufficient to discharge the several annual payments of principal and interest of such issues respectively as the same becomes respectively due.

Inconsistent
Provisions of
R. S. O. c. 223
not to apply.

3. Any provisions contained in *The Municipal Act* and any amendments thereto which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the said by-law or debentures, and no irregularity in the form of the said debentures issued pursuant to the said by-law shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures.

tures and interest or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity for the issue of such debentures or any thereof or as to the application of the proceeds thereof.

SCHEDULE A.

BY-LAW No. 460.

Of the Corporation of the Town of Oshawa, to authorize the issue of debentures for the sum of \$110,000 for the construction of waterworks and sewers in and for the Town of Oshawa.

Whereas it is expedient to construct a system of waterworks and sewers in said town, together with the necessary machinery and plant therefor, for the purpose of supplying water for domestic use, fire protection, and other purposes, and to carry away properly the sewage of said town:

And whereas the total estimated cost of the said waterworks and sewers is \$110,000.00, of which it is estimated \$80,000.00 will be required for waterworks and \$30,000.00 for sewerage system, and in order to raise the same it will be necessary to issue debentures as herein provided:

And whereas it is deemed expedient so to issue such debentures as that the said sum of \$110,000.00 and interest at three and one-half per cent. per annum shall be repaid in forty equal annual instalments, in the forty years next after the coming into effect of this by-law, and that such yearly instalments shall be of equal amounts:

And whereas, to that end it will be requisite to raise by a special rate in each year, respectively, the several sums set out in the schedule to this by-law, viz: a total of \$5151.00, in each year, as set forth in said schedule:

And whereas, the amount of the whole rateable property of the said municipality of Oshawa, according to the last revised and equalized assessment roll, amounts to \$1,108,330:

And whereas, the amount of the existing debt of said municipality is \$38,033.55, on account of principal, and \$22,223.19, on account of interest, and no portion of principal or interest is in arrear:

And whereas, it is desirable, subject to the assent of the qualified electors of said corporation, and of the legislature of the Province of Ontario, to borrow and expend for the purposes aforesaid, the said sum of \$110,000.00:

Therefore the municipal council of the corporation of the Town of Oshawa enacts as follows:

1. That it shall be lawful for this corporation to construct and maintain a system of waterworks and sewers, together with all buildings, machinery and plant therefor, subject to the provisions of *The Municipal Act*, and *The Municipal Waterworks Act*, and any amendments thereto, and subject to any by-law of this corporation lawfully to be passed relating thereto.

2. It shall be lawful for the head of the said corporation of the said Town of Oshawa, for the purposes aforesaid, to borrow the said sum of \$110,000.00, of which sum an amount not exceeding \$80,000.00 shall be for waterworks, and the balance of the \$110,000.00 shall be for sewerage, and to issue debentures of said municipality in sums of not less than

\$100.00 each, which debentures shall bear date on the day on which this by-law takes effect, and bear interest at the rate of three and one-half per cent. per annum, payable yearly from said date, and shall have coupons attached for the payment of interest and be payable in the manner, for the amounts, and at the times set forth in said schedule.

3. The said debentures, as to principal and interest, shall be payable at the office of the treasurer of the said corporation.

4. It shall be lawful for the head of the said corporation, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer, and the clerk of the said corporation is hereby authorized and instructed to attach the seal of the corporation to the said debentures.

5. There shall be raised and levied in each year, by a special rate sufficient therefor, on all the rateable property in the said municipality of Oshawa, the sum of five thousand one hundred and fifty-one dollars (\$5,151.00), being a sum sufficient to discharge the several instalments of principal and interest accruing due on said debt as the same become respectively due according to the said schedule to this by-law.

6. This by-law shall not take effect until it shall have been approved of and confirmed by an Act of the Legislature of the said Province of Ontario, and shall take effect on the first day of July next after the date of the passing of such an Act.

7. The head of this corporation is hereby authorized to take the necessary steps to procure the due passage of such an Act of said Legislature. The head of the corporation may cause the said debentures to be issued or a sufficient amount thereof, as may be required from time to time, as the works proceed, to be sold or hypothecated, and the proceeds thereof applied for the purposes above specified and for no other purpose.

8. The votes of the qualified electors of said corporation shall be taken on this by-law on Saturday, the twenty-first day of January, A.D. 1899, and the polls shall be open at the hour of 9 o'clock a.m. and closed at the hour of 5 o'clock p.m., and the polling divisions and places for taking such votes and the deputy returning officers shall be as follows :

For the district or part of said town known as the South West Ward, the Sons' Hall School House, and Mr. J. O. Guy shall be the deputy returning officer.

For the district or part of the said town known as the South East Ward, Albert Street School, and Mr. John S. Beaton shall be deputy returning officer.

For the district or part of the said town known as the North West Ward the Town Hall, and Mr. John A. Thomson shall be deputy returning officer.

For the district or part of said town known as the North East Ward Mary Street School, and Mr. A. Mackie shall be the deputy returning officer.

9. The head of the corporation shall attend at the office of the clerk of this corporation on Thursday, the 19th day of January, 1899, at the hour of ten o'clock a.m. to appoint persons to attend at the various polling places, and at the final summing of the votes respectively, on behalf of the persons interested in and promoting or opposing the passage of this By-law.

10. The clerk of this corporation shall attend at the Council chamber at 10 o'clock in the forenoon of Monday, the 23rd day of January, 1899, and sum up and declare the number of votes given for and against the said by-law, and if the said by-law shall be carried by the requisite

number of votes of the said electors, the same shall be finally considered and passed by the council on the 23-d day of January, 1899, at the hour of eight o'clock in the afternoon at the Council Chamber of said town.

Read a third time and passed 23rd January, 1899.

(Signed) R. McLAUGHLIN,
Mayor.

(Signed) THOS. MORRIS,
Town Clerk. [L.S.]

SCHEDULE "A" TO THE FOREGOING BY-LAW OF THE CORPORATION OF
OF THE TOWN OF OSHAWA.

Year. July 1.	Instalment.	Interest.	Principal paid.	Principal unpaid.
				\$110,000 00
1900.....	\$5,151 00	\$3,850 00	\$1,301 00	108,699 00
1901.....	5,151 00	3,804 46	1,346 54	107,352 46
1902.....	5,151 00	3,757 36	1,393 64	105,958 82
1903.....	5,151 00	3,708 56	1,442 44	104,516 38
1904.....	5,151 00	3,658 07	1 492 93	103,023 45
1905.....	5,151 00	3,605 82	1,545 18	101,478 27
1906.....	5,151 00	3,551 73	1,599 27	99,879 00
1907.....	5,151 00	3,495 79	1,655 21	98,223 79
1908.....	5,151 00	3,437 83	1,713 17	96,510 62
1909.....	5 151 00	3 377 87	1,773 13	94,737 49
1910.....	5,151 00	3,315 80	1,835 20	92,902 29
1911.....	5,151 00	3,251 57	1,899 43	91,002 86
1912.....	5,151 00	3,185 10	1,965 90	89 036 96
1913.....	5,151 00	3,116 29	2,034 71	87,002 25
1914.....	5,151 00	3,045 08	2,105 92	84,896 33
1915.....	5,151 00	2,971 37	2,179 63	84,716 70
1916.....	5,151 00	2,895 08	2 255 92	80,460 78
1917.....	5,151 00	2,815 98	2,335 02	78,125 76
1918.....	5,151 00	2,734 39	2,416 61	75,709 15
1919.....	5,151 00	2,649 88	2,501 12	73,208 03
1920.....	5 151 00	2,562 28	2,588 72	70,619 31
1921.....	5,151 00	2,471 67	2,679 33	67,939 98
1922.....	5,151 00	2,377 88	2,773 2	65,166 86
1923.....	5,151 00	2,280 84	2,870 16	62,296 70
1924.....	5,151 00	2,180 38	2,970 62	59,326 08
1925.....	5,151 00	2,076 41	3 074 59	56,251 49
1926.....	5,151 00	1,968 80	3,182 20	53,069 29
1927.....	5 151 00	1,857 42	3,293 58	49,775 71
1928.....	5,151 00	1,742 14	3,408 86	46,366 85
1929.....	5 151 00	1,622 94	3,528 06	42,838 79
1930.....	5,151 00	1,499 35	3,651 65	39,187 14
1931.....	5,151 00	1,371 56	3,779 44	35,407 70
1932.....	5,151 00	1,239 26	3,911 74	31,495 96
1933.....	5,151 00	1,102 35	4,048 65	27,447 31
1934.....	5,151 00	960 65	4,190 35	23 256 96
1935.....	5 151 00	813 99	4 337 01	18,919 95
1936.....	5 151 00	662 20	4,488 80	14,431 15
1937.....	5,151 00	505 09	4,645 91	9,785 24
1938.....	5,151 00	342 48	4,808 52	4,976 72
1939.....	5,151 00	174 28	4,976 72	0 00

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Town of
Oshawa.

First Reading,	1899.
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(Private Bill)

Hon. Mr. DRYDEN.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 48]

BILL.

[1899

An Act respecting the Town of Oshawa.

WHEREAS the corporation of the Town of Oshawa have Preamble.
by their petition shewn that by-law No. 460 of said corporation to authorize the issue of debentures for the sum of \$110,000 for the construction of a system of waterworks and sewers in said town was duly passed by the council of said corporation on the 23rd day of January, A.D. 1899, after having been, upon due publication of the same and of all necessary and proper notices and estimates in respect thereof, duly voted upon by the qualified electors of said town and duly declared to have been carried by a majority of 67 out of a total of 481 votes cast; that the said by-law (a copy whereof is contained in Schedule A to this Act) is not within the powers of said corporation by reason of the payments of said debentures being thereby extended for a period of 40 years and otherwise; that it is provided in and by said By-law that the same shall not come into effect until approved of and confirmed by an Act of the Legislature of the Province of Ontario; that doubts also have been expressed as to the legality of the division of the said sum into two parts for waterworks and sewers respectively and otherwise and it is desirable to set the same at rest; that the said corporation proposes to issue the said debentures either in one sum or such sums as may be required from time to time for the said purposes as the work shall proceed; and whereas said corporation have by their said petition prayed that an Act may be passed validating and confirming said by-law and for other purposes incidental thereto in order to give the same due effect; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

By-law No.
460 confirmed.

1. The said by-law number 460 of the said the corporation of the Town of Oshawa (a true copy whereof is set out in Schedule A to this Act) is hereby approved of, validated and confirmed, and with the debentures to be issued in pursuance thereof and of this Act and the interest coupons to such debentures declared to be legal and binding upon the said town of Oshawa and the ratepayers thereof to the fullest extent and for all purposes whatsoever notwithstanding any deficiency in form, mode of passing or otherwise of the said by-law and debentures respectively, and notwithstanding any Act, matter or thing to the contrary whatsoever, and notwithstanding any want of authority of the said corporation in respect thereof.

Authority to
Issue Debentures.

2. The said corporation may at any time whether before or after the taking effect of said by-law direct the issue of the debentures to be issued pursuant to said by-law and this Act in such manner and in such amounts as may be from time to time required for the several purposes set out in said by-law, and may issue such debentures either in sterling money of Great Britain or in lawful money of Canada and either in one issue for the whole amount of \$110,000 as set out in the Schedule to said by-law or, in case it be deemed desirable not to issue the whole amount at one time, then for such aliquot part or parts of said yearly sums or payments as may be from time to time required, issuing such debentures in such manner as that the whole amount payable for principal and interest in respect of each of such issues in any one year shall be as nearly as possible equal to what shall be payable in respect of such issues respectively in each of the other years during the period of 40 years during which said debentures are and may be made payable and may continue such issues of said debentures until debentures to the whole amount of \$110,000 shall have been issued for the said several purposes; and said corporation shall raise and levy by a special rate in each year sufficient therefor on all the rateable property in the said Town of Oshawa a sum sufficient to discharge the several annual payments of principal and interest of such issues respectively as the same become respectively due.

Inconsistent
Provisions of
R. S. O. c. 223
not to apply.

3. Any provisions contained in *The Municipal Act* and any amendments thereto which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the said by-law or debentures, and no irregularity in the form of the said debentures issued pursuant to the said by-law *and this Act* shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest or any or either of them or

any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity for the issue of such debentures or any thereof or as to the application of the proceeds thereof.

SCHEDULE A.

BY-LAW No. 460.

Of the Corporation of the Town of Oshawa, to authorize the issue of debentures for the sum of \$110,000 for the construction of waterworks and sewers in and for the Town of Oshawa.

Whereas it is expedient to construct a system of waterworks and sewers in said town, together with the necessary machinery and plant therefor, for the purpose of supplying water for domestic use, fire protection, and other purposes, and to carry away properly the sewage of said town :

And whereas the total estimated cost of the said waterworks and sewers is \$110,000.00, of which it is estimated \$80,000.00 will be required for waterworks and \$30,000.00 for sewerage system, and in order to raise the same it will be necessary to issue debentures as herein provided :

And whereas it is deemed expedient so to issue such debentures as that the said sum of \$110,000.00 and interest at three and one-half per cent. per annum shall be repaid in forty equal annual instalments, in the forty years next after the coming into effect of this by-law, and that such yearly instalments shall be of equal amounts :

And whereas, to that end it will be requisite to raise by a special rate in each year, respectively, the several sums set out in the schedule to this by-law, viz : a total of \$5151.00, in each year, as set forth in said schedule :

And whereas, the amount of the whole rateable property of the said municipality of Oshawa, according to the last revised and equalized assessment roll, amounts to \$1,108,330 :

And whereas, the amount of the existing debt of said municipality is \$38,033.55, on account of principal, and \$22,223.19, on account of interest, and no portion of principal or interest is in arrear :

And whereas, it is desirable, subject to the assent of the qualified electors of said corporation, and of the legislature of the Province of Ontario, to borrow and expend for the purposes aforesaid, the said sum of \$110,000.00 :

Therefore the municipal council of the corporation of the Town of Oshawa enacts as follows :

1. That it shall be lawful for this corporation to construct and maintain a system of waterworks and sewers, together with all buildings, machinery and plant therefor, subject to the provisions of *The Municipal Act*, and *The Municipal Waterworks Act*, and any amendments thereto, and subject to any by-law of this corporation lawfully to be passed relating thereto.

2. It shall be lawful for the head of the said corporation of the said Town of Oshawa, for the purposes aforesaid, to borrow the said sum of \$110,000.00, of which sum an amount not exceeding \$30,000.00 shall be for waterworks, and the balance of the \$110,000.00 shall be for sewerage, and to issue debentures of said municipality in sums of not less than

\$100.00 each, which debentures shall bear date on the day on which this by-law takes effect, and bear interest at the rate of three and one-half per cent. per annum, payable yearly from said date, and shall have coupons attached for the payment of interest and be payable in the manner, for the amounts, and at the times set forth in said schedule.

3. The said debentures, as to principal and interest, shall be payable at the office of the treasurer of the said corporation.

4. It shall be lawful for the head of the said corporation, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer, and the clerk of the said corporation is hereby authorized and instructed to attach the seal of the corporation to the said debentures.

5. There shall be raised and levied in each year, by a special rate sufficient therefor, on all the rateable property in the said municipality of Oshawa, the sum of five thousand one hundred and fifty-one dollars (\$5,151.00), being a sum sufficient to discharge the several instalments of principal and interest accruing due on said debt as the same become respectively due according to the said schedule to this by-law.

6. This by-law shall not take effect until it shall have been approved of and confirmed by an Act of the Legislature of the said Province of Ontario, and shall take effect on the first day of July next after the date of the passing of such an Act.

7. The head of this corporation is hereby authorized to take the necessary steps to procure the due passage of such an Act of said Legislature. The head of the corporation may cause the said debentures to be issued or a sufficient amount thereof, as may be required from time to time, as the works proceed, to be sold or hypothecated, and the proceeds thereof applied for the purposes above specified and for no other purpose.

8. The votes of the qualified electors of said corporation shall be taken on this by-law on Saturday, the twenty-first day of January, A.D. 1899, and the polls shall be open at the hour of 9 o'clock a.m. and closed at the hour of 5 o'clock p.m., and the polling divisions and places for taking such votes and the deputy returning officers shall be as follows:

For the district or part of said town known as the South West Ward, the Sons' Hall School House, and Mr. J. O. Guy shall be the deputy returning officer.

For the district or part of the said town known as the South East Ward, Albert Street School, and Mr. John S. Baxton shall be deputy returning officer.

For the district or part of the said town known as the North West Ward the Town Hall, and Mr. John A. Thomson shall be deputy returning officer.

For the district or part of said town known as the North East Ward Mary Street School, and Mr. A. Mackie shall be the deputy returning officer.

9. The head of the corporation shall attend at the office of the clerk of this corporation on Thursday, the 19th day of January, 1899, at the hour of ten o'clock a.m. to appoint persons to attend at the various polling places, and at the final summing of the votes respectively, on behalf of the persons interested in and promoting or opposing the passage of this By-law.

10. The clerk of this corporation shall attend at the Council chamber at 10 o'clock in the forenoon of Monday, the 23rd day of January, 1899, and sum up and declare the number of votes given for and against the said by-law, and if the said by-law shall be carried by the requisite

number of votes of the said electors, the same shall be finally considered and passed by the council on the 23rd day of January, 1919, at the hour of eight o'clock in the afternoon at the Council Chamber of said town.

Read a third time and passed 23rd January, 1899.

(Signed) R. McLAUGHLIN,
Mayor.

(Signed) THOS. MORRIS,
Town Clerk. [L.S.]

SCHEDULE "A" TO THE FOREGOING BY-LAW OF THE CORPORATION OF
OF THE TOWN OF OSHAWA.

Year. July 1.	Instalment.	Interest.	Principal paid.	Principal unpaid.
				\$110,000 00
1900.....	\$5,151 00	\$3,850 00	\$1,301 00	108,699 00
1901.....	5,151 00	3,804 46	1,346 54	107,352 46
1902.....	5,151 00	3,757 36	1,393 64	105,958 82
1903.....	5,151 00	3,708 56	1,442 44	104,516 38
1904.....	5,151 00	3,658 07	1,492 93	103,023 45
1905.....	5,151 00	3,605 82	1,545 18	101,478 27
1906.....	5,151 00	3,551 73	1,599 27	99,879 00
1907.....	5,151 00	3,495 79	1,655 21	98,223 79
1908.....	5,151 00	3,437 83	1,713 17	96,510 62
1909.....	5,151 00	3,377 87	1,773 13	94,737 49
1910.....	5,151 00	3,315 80	1,835 20	92,902 29
1911.....	5,151 00	3,251 57	1,899 43	91,002 86
1912.....	5,151 00	3,185 10	1,965 90	89,036 96
1913.....	5,151 00	3,116 29	2,034 71	87,002 25
1914.....	5,151 00	3,045 08	2,105 92	84,896 33
1915.....	5,151 00	2,971 37	2,179 63	84,716 70
1916.....	5,151 00	2,895 08	2,255 92	80,460 78
1917.....	5,151 00	2,815 98	2,335 02	78,125 76
1918.....	5,151 00	2,734 39	2,416 61	75,709 15
1919.....	5,151 00	2,649 88	2,501 12	73,208 03
1920.....	5,151 00	2,562 28	2,588 72	70,619 31
1921.....	5,151 00	2,471 67	2,679 33	67,939 98
1922.....	5,151 00	2,377 88	2,773 12	65,166 86
1923.....	5,151 00	2,280 84	2,870 16	62,296 70
1924.....	5,151 00	2,180 33	2,970 62	59,326 08
1925.....	5,151 00	2,076 41	3,074 59	56,251 49
1926.....	5,151 00	1,968 80	3,182 20	53,069 29
1927.....	5,151 00	1,857 42	3,293 58	49,775 71
1928.....	5,151 00	1,742 14	3,408 86	46,366 85
1929.....	5,151 00	1,622 94	3,528 06	42,838 79
1930.....	5,151 00	1,499 35	3,651 65	39,187 14
1931.....	5,151 00	1,371 56	3,779 44	35,407 70
1932.....	5,151 00	1,239 26	3,911 74	31,495 96
1933.....	5,151 00	1,102 35	4,048 65	27,447 31
1934.....	5,151 00	960 65	4,190 35	23,256 96
1935.....	5,151 00	813 99	4,337 01	18,919 95
1936.....	5,151 00	662 20	4,488 80	14,431 15
1937.....	5,151 00	505 09	4,645 91	9,785 24
1938.....	5,151 00	342 48	4,808 52	4,976 72
1939.....	5,151 00	174 28	4,976 72	0 00

BILL.
An Act respecting the Town of
Oshawa.

First Reading, 16th February, 1899.
Second Reading, 3rd March, 1899.

*(Reprinted as amended in Committee of
Whole House.)*

Hon. Mr. DRYDEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act to confirm By-law No. 361 of the Town of
Gananoque.

WHEREAS the corporation of the Town of Gananoque Preamble
have by their petition represented that the said corporation have passed a By-law No. 331 intituled "A By-law for granting aid by way of loan to William McKenzie for the promotion of the establishment of a Furniture Factory within the limits of the Town of Gananoque wherein it was enacted that the said corporation might aid the said William McKenzie, by lending him the sum of \$5,000.00 and exemption from taxes other than school taxes, on condition
5 that he shall forthwith erect a factory on the site of the factory recently destroyed by fire, within the limits of the said Town of Gananoque, to be finished and completed with all suitable machinery, for the manufacture of furniture and other materials from wood, and costing when completed the sum of
10 at least six thousand dollars, on certain conditions fully set out in said by-law said loan to be repayable in twenty years from the first day of March A. D. 1899 in four equal instalments as set forth in said by-law. Said exemption from municipal taxes to be for a period of ten years, commencing
15 on the first day of January, A. D. 1899, that there is no similar industry established within the limits of the Town of Gananoque, that said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws, as provided by
20 *The Municipal Act*, and two hundred and thirty-four of the ratepayers qualified to vote as aforesaid, voted in favor of said by-law and only ninety-four ratepayers voted against it ;

and whereas a business carried on at said Town of Gananoque for the manufacture of furniture and known as "The Gananoque Furniture and Undertaking Company, Limited" in which said William McKenzie was the holder of nearly all of the stock of same, the residue being held by members of the family of said William McKenzie, was totally destroyed by fire, together with all the machinery, a stock in trade used in said furniture factory; and whereas certain mechanics, especially skilled in furniture-making have been thrown out of employment; and whereas the said corporation have by their petition prayed that the said by-law may be confirmed and declared legal and valid and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-Law No.
361 confirmed.

1. That said by-law No. 361 of the corporation of the Town of Gananoque, intituled "in the preamble to this Act, as set out in schedule A to this Act is hereby confirmed and declared to be valid and binding from the time of the passing thereof to all intents and purposes, and that the said corporation is declared to have been authorized by said by-law No. 331 to grant aid by way of loan to William McKenzie therein mentioned to the extent of \$5,000.00 repayable in twenty years from the first day of March, A. D. 1899 or repayable sooner than that time, as provided for and in pursuance of the terms of said by-law, and all acts done or to be done, and all payments made or to be made by the said corporation pursuant to the said by-law No. 361, are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

SCHEDULE A.

By-Law No. 361.

For granting aid by way of loan to William McKenzie for the promotion of the establishment of a furniture factory within the limits of the corporation of the Town of Gananoque.

Whereas William McKenzie has applied to the municipal council of said corporation of the Town of Gananoque to assist him by lending him the sum of five thousand dollars and exemption from taxes, except school taxes, on condition that he shall without delay erect a factory on the site of his factory recently destroyed by fire, within the limits of said municipality, to be finished and completed with all suitable machinery for the manufacture of furniture and other materials from wood, and costing with the machinery when completed at least six thousand dollars, the same to be completed and in running order on or before the first day of May, one thousand eight hundred and ninety-nine, said William McKenzie to repay said loan within twenty years from the first day of March, one thousand eight hundred and ninety-nine in four equal instalments of one thousand

two hundred and fifty dollars each, the first of which instalments will fall due on the first day of March, one thousand nine hundred and four, the second on first day of March, one thousand nine hundred and five, the third on first day of March, one thousand nine hundred and fourteen, and the fourth and final instalment will fall due and be owing on the first day of March, one thousand nine hundred and nineteen without interest and upon the further condition that the said William McKenzie will run the said factory for at least nine months in each year and will employ at least fifteen hands in his factory while it is running, and shall expend in wages annually at least five thousand dollars, which sum shall not include expenses of office or management. And the said William McKenzie shall enter into a written agreement with the said corporation to do and perform all things hereinbefore mentioned to be done and performed on his part, and that on failure in performance or breach of any one or more of the said conditions the said William McKenzie shall immediately thereafter repay to the said corporation the said loan, and said mortgage shall be due and payable. Provided that all payments on arrears shall bear interest at the rate of six per cent. per annum until paid.

Provided further that said William McKenzie shall, at or before the time said moneys shall be lent to him under the provisions of this by-law, give security satisfactory to said corporation by way of a first real estate mortgage on the said factory so to be rebuilt by him, and on the water power, machinery and plant therein, which mortgage shall contain an insurance clause for two thousand dollars in favor of said corporation for the observance of said conditions and the repayment of the said loan under the conditions of this by-law.

And whereas in order to aid the said William McKenzie by lending him said sum of five thousand dollars for the purposes and upon the conditions aforesaid it is necessary and intended by this by-law to create a debt on the part of the said corporation to the amount of five thousand dollars and to provide for the issue of debentures therefor.

And whereas it is necessary to raise annually by special rate during the term of twenty years for paying said debt and the interest thereon the sum of \$317 90, that is, for interest, \$150, and for debt, \$167.90.

And whereas the amount of the whole rateable property of the corporation of Gananoque is one million, one hundred and twenty-five thousand, six hundred and seventy dollars, according to the last revised assessment roll of the said municipality.

And whereas the existing debenture debt of the said corporation is sixty-six thousand, five hundred and thirty-six dollars, and no part of the same or the interest thereon is in arrear, and against which there is an accumulative sinking fund of eleven thousand, nine hundred and seventy-seven dollars.

Be it therefore enacted and it is hereby enacted by the municipal council of the corporation of the Town of Gananoque as follows :-

1. That it shall and may be lawful for the municipal council of said corporation of the Town of Gananoque to aid the said William McKenzie in erecting and equipping a factory for the manufacture of furniture and other articles manufactured of wood, on a part of Block "H" in said corporation, by lending him the sum of five thousand dollars repayable without interest within the said period of twenty years (unless the same shall become due and payable by reason of the breach of any one or more of the conditions and restrictions attached to such loan as hereinbefore provided).

2. That it shall and may be lawful for the mayor of said corporation to cause to be raised by way of loan the aforesaid sum of five thousand dollars for the purpose hereinbefore mentioned, from any person or persons, body or bodies corporate who may be willing to advance the same upon the credit of the debentures hereinafter mentioned, and to cause the same to be paid to the treasurer of the said town.

3. Debentures of said corporation of said town, sealed with its corporate seal, and signed by the said mayor, shall be issued to the amount of said sum of five thousand dollars and payable on the first day of March, one thousand nine hundred and nineteen, and the said debentures shall have attached thereto coupons for the payment of the interest thereon.

4. The said debentures shall bear interest at the rate of three per cent. per annum. from the first day of March, A.D. 1899, and such interest shall be payable thereafter semi-annually on the first day of September and March in each year during the currency of the said debentures.

5. The said debentures as to principal and interest shall be payable at the office of the town treasurer at said Town of Gananoque.

6. For the purpose of paying the said debt and interest the said sum of three hundred and seventeen dollars and ninety cents—that is \$167.90 for debt and \$150.00, for interest, shall be raised and levied in each year during the currency of the said debentures by a special rate sufficient therefor on all the rateable property in the said municipality.

7. That the said factory, the land on which it is erected, the water power connected therewith and the machinery and stock therein shall be exempt from all taxes except school taxes for a period of ten years subject, however, to the conditions hereinbefore recited, such exemption to take effect on and from the passing of this by-law.

8. The votes of the ratepayers entitled to vote upon this by-law shall be taken thereon on Thursday, the sixteenth day of June, A.D., 1898, commencing at the hour of nine o'clock in the forenoon and closing at five o'clock in the afternoon at the following places and by the deputy returning officers, that is to say :—In the west ward, at Hugh Davis' house on King street, George Jackson, deputy returning officer ; in the north ward, at Reporter office, Freeman Britton, deputy returning officer and in the south ward, at the firemen's hall, George Peck, deputy returning officer.

9. The clerk of the said municipality shall sum up the number of votes given for and against the said by-law at his office in the Town of Gananoque on Friday, the seventeenth day of June, A.D., 1898, at the hour of ten o'clock in the forenoon.

10. Persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in promoting or opposing the passage of the by-law respectively shall be appointed by the mayor in writing signed by him at the clerk's office on the fifteenth day of June, 1898, at the hour of two o'clock in the afternoon.

11. That this by-law shall come into force and take effect from and after the same has been duly legalized and confirmed by the legislature of the province of Ontario.

Given under the seal of the corporation of the Town of Gananoque and passed the nineteenth day of July, A.D., 1898.

Signed,

W. B. CARROL,
Mayor.
S. McCAMMON,
Clerk.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act to confirm By-law No. 361 of the
Town of Granby.

First Reading,	1899
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(Private Bill)

Mr. BEATTY.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 49.]

BILL.

[1899

An Act *respecting* the Town of Gananoque.

WHEREAS the corporation of the Town of Gananoque Preamble
has by petition represented that the said corporation
has passed a By-law No. 331 intituled "A By-law for
granting aid by way of loan to William McKenzie for the
promotion of the establishment of a Furniture Factory
within the limits of the Town of Gananoque wherein it
was enacted that the said corporation might aid the said
William McKenzie, by lending him the sum of \$5,000.00 and
exemption from taxes other than school taxes, on condition
that he shall forthwith erect a factory on the site of the fact-
ory recently destroyed by fire, within the limits of the said
Town of Gananoque, to be finished and completed with all
suitable machinery, for the manufacture of furniture and other
materials from wood, and costing when completed the sum of
at least six thousand dollars, on certain conditions fully set out
in said by-law, *the* said loan to be repayable in twenty years
from the first day of March, 1899, in four equal instal-
ments as set forth in said by-law, *and* said exemption from
municipal taxes to be for a period of ten years, commenc-
ing on the first day of January, 1899; ~~and~~ and whereas
it is further represented ~~that~~ that there is no similar industry
established within the limits of the Town of Gananoque, that
the said by-law was submitted to a vote of the ratepayers
entitled to vote on money by-laws as provided by *The*
Municipal Act, and two hundred and thirty-four of the
ratepayers qualified to vote as aforesaid, voted in favor of
said by-law and only ninety-four ratepayers voted against it;

And whereas it appears that the number of ratepayers voting in the affirmative on the said by-law was slightly below two-thirds of the qualified ratepayers as was required by the repealed provisions of *The Municipal Amendment Act of 1888* respecting by-laws for granting aid to industrial enterprises; but in all other respects the said by-law is within the terms of the said repealed provisions; and whereas there is no industry of a similar nature established in the said town; and whereas the furniture factory and business heretofore carried on at said Town of Gananoque for the manufacture of furniture and known as "The Gananoque Furniture and Undertaking Company, Limited" in which said William McKenzie was the holder of nearly all of the stock of same, the residue being held by members of the family of said William McKenzie, was totally destroyed by fire, including all the machinery and stock in trade in connection therewith; and whereas it is represented that several mechanics, especially skilled in furniture making have been thrown out of employment; and whereas the said corporation have by their petition prayed that the said by-law may be confirmed and declared legal and valid; and whereas the case is in its nature exceptional and subject to the provisions hereinafter set forth it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-Law No.
361 confirmed.

1. Subject to the proviso hereinafter contained, the said by-law No. 361 of the corporation of the Town of Gananoque, intituled as in the preamble to this Act, as set out in schedule A to this Act is hereby confirmed and declared to be valid and binding from the time of the passing thereof to all intents and purposes, and that the said corporation is declared to have been authorized by said by-law No. 331 to grant aid by way of loan to William McKenzie therein mentioned to the extent of \$5,000, repayable in twenty years from the first day of March, A. D. 1899 or repayable sooner than that time, as provided for and in pursuance of the terms of said by-law, and all acts done or to be done, and all payments made or to be made by the said corporation pursuant to the said by-law No. 361, are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

By-law to be
again sub-
mitted to
ratepayers.

2. Provided, however, that notwithstanding anything in this Act contained, this Act shall not become operative or take effect unless and until the said by-law shall be again submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Municipal Act* and the same shall be approved by the vote in the affirmative of not less than two-thirds of the said ratepayers who are entitled to vote on money by-laws as aforesaid.

SCHEDULE A.

BY-LAW No. 361.

For granting aid by way of loan to William McKenzie for the promotion of the establishment of a furniture factory within the limits of the corporation of the Town of Gananoque.

Whereas William McKenzie has applied to the municipal council of said corporation of the Town of Gananoque to assist him by lending him the sum of five thousand dollars and exemption from taxes, except school taxes, on condition that he shall without delay erect a factory on the site of his factory recently destroyed by fire, within the limits of said municipality, to be finished and completed with all suitable machinery for the manufacture of furniture and other materials from wood, and costing with the machinery when completed at least six thousand dollars, the same to be completed and in running order on or before the first day of May, one thousand eight hundred and ninety-nine, said William McKenzie to repay said loan within twenty years from the first day of March, one thousand eight hundred and ninety-nine in four equal instalments of one thousand two hundred and fifty dollars each, the first of which instalments will fall due on the first day of March, one thousand nine hundred and four, the second on first day of March, one thousand nine hundred and nine, the third on first day of March, one thousand nine hundred and fourteen, and the fourth and final instalment will fall due and be owing on the first day of March, one thousand nine hundred and nineteen without interest, and upon the further condition that the said William McKenzie will run the said factory for at least nine months in each year and will employ at least fifteen hands in his factory while it is running, and shall expend in wages annually at least five thousand dollars, which sum shall not include expenses of office or management. And the said William McKenzie shall enter into a written agreement with the said corporation to do and perform all things hereinbefore mentioned to be done and performed on his part, and that on failure in performance or breach of any one or more of the said conditions the said William McKenzie shall immediately thereafter repay to the said corporation the said loan, and said mortgage shall be due and payable. Provided that all payments in arrears shall bear interest at the rate of six per cent. per annum until paid.

Provided further that said William McKenzie shall, at or before the time said money shall be lent to him under the provisions of this by-law, give security satisfactory to said corporation by way of a first real estate mortgage on the said factory so to be rebuilt by him, and on the water power, machinery and plant therein, which mortgage shall contain an insurance clause for two thousand dollars in favor of said corporation for the observance of said conditions and the repayment of the said loan under the conditions of this by-law.

And whereas in order to aid the said William McKenzie by lending him said sum of five thousand dollars for the purposes and upon the conditions aforesaid it is necessary and intended by this by-law to create a debt on the part of the said corporation to the amount of five thousand dollars and to provide for the issue of debentures therefor.

And whereas it is necessary to raise annually by special rate during the term of twenty years for paying said debt and the interest thereon the sum of \$317.90, that is, for interest, \$150, and for debt, \$167.90.

And whereas the amount of the whole rateable property of the corporation of Gananoque is one million, one hundred and twenty-five thousand, six hundred and seventy dollars, according to the last revised assessment roll of the said municipality.

And whereas the existing debenture debt of the said corporation is sixty-six thousand, five hundred and thirty-six dollars, and no part of the

same or the interest thereon is in arrear, and against which there is an accumulative sinking fund of eleven thousand, nine hundred and seventy-seven dollars.

Be it therefore enacted and it is hereby enacted by the municipal council of the corporation of the Town of Gananoque as follows :—

1. That it shall and may be lawful for the municipal council of said corporation of the Town of Gananoque to aid the said William McKenzie in erecting and equipping a factory for the manufacture of furniture and other articles manufactured of wood, on a part of Block "H" in said corporation, by lending him the sum of five thousand dollars repayable without interest within the said period of twenty years (unless the same shall become due and payable by reason of the breach of any one or more of the conditions and restrictions attached to such loan as hereinbefore provided).

2. That it shall and may be lawful for the mayor of said corporation to cause to be raised by way of loan the aforesaid sum of five thousand dollars for the purpose hereinbefore mentioned, from any person or persons, body or bodies corporate who may be willing to advance the same upon the credit of the debentures hereinafter mentioned, and to cause the same to be paid to the treasurer of the said town.

3. Debentures of said corporation of said town, sealed with its corporate seal, and signed by the said mayor, shall be issued to the amount of said sum of five thousand dollars and payable on the first day of March, one thousand nine hundred and nineteen, and the said debentures shall have attached thereto coupons for the payment of the interest thereon.

4. The said debentures shall bear interest at the rate of three per cent. per annum from the first day of March, A.D. 1899, and such interest shall be payable thereafter semi-annually on the first day of September and March in each year during the currency of the said debentures.

5. The said debentures as to principal and interest shall be payable at the office of the town treasurer at said Town of Gananoque.

6. For the purpose of paying the said debt and interest the said sum of three hundred and seventeen dollars and ninety cents—that is \$167.90 for debt and \$150.00, for interest, shall be raised and levied in each year during the currency of the said debentures by a special rate sufficient therefor on all the rateable property in the said municipality.

7. That the said factory, the land on which it is erected, the water power connected therewith and the machinery and stock therein shall be exempt from all taxes except school taxes for a period of ten years subject, however, to the conditions hereinbefore recited, such exemption to take effect on and from the passing of this by-law.

8. The votes of the ratepayers entitled to vote upon this by-law shall be taken thereon on Thursday, the sixteenth day of June, A.D., 1898, commencing at the hour of nine o'clock in the forenoon and closing at five o'clock in the afternoon at the following places and by the deputy returning officers, that is to say :—In the west ward, at Hugh Davis' house on King street, George Jackson, deputy returning officer ; in the north ward, at Reporter office, Freeman Britton, deputy returning officer and in the south ward, at the firemen's hall, George Peck, deputy returning officer.

9. The clerk of the said municipality shall sum up the number of votes given for and against the said by-law at his office in the Town of Gananoque on Friday, the seventeenth day of June, A.D., 1898, at the hour of ten o'clock in the forenoon.

10. Persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in promoting or opposing the passage of the by-law respectively shall be appointed by the mayor in writing signed by him at the clerk's office on the fifteenth day of June, 1898, at the hour of two o'clock in the afternoon.

11. That this by-law shall come into force and take effect from and after the same has been duly legalized and confirmed by the legislature of the province of Ontario.

Given under the seal of the corporation of the Town of Gananoque and passed the nineteenth day of July, A.D., 1898.

Signed,

W. B. CARROL,
Mayor.

S. McCAMMON,
Clerk.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Town of Gananoque.

First Reading, 21st February, 1899.

Second Reading, 15th March, 1899.

*(Reprinted as amended in Private Bills
Committee.)*

MR. BEATTY.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act *respecting* the Town of Gananoque.

WHEREAS the corporation of the Town of Gananoque Preamble
has by petition represented that the said corporation
has passed a By-law No. 331 intituled "A By-law for
granting aid by way of loan to William McKenzie for the
promotion of the establishment of a Furniture Factory
within the limits of the Town of Gananoque wherein it
was enacted that the said corporation might aid the said
William McKenzie, by lending him the sum of \$5,000 and
exemption from taxes other than school taxes, on condition
that he shall forthwith erect a factory on the site of the fact-
ory recently destroyed by fire, within the limits of the said
Town of Gananoque, to be finished and completed with all
suitable machinery, for the manufacture of furniture and other
materials from wood, and costing when completed the sum of
at least six thousand dollars, on certain conditions fully set out
in said by-law, *the* said loan to be repayable in twenty years
from the first day of March, 1899, in four equal instal-
ments as set forth in said by-law, *and* said exemption from
municipal taxes to be for a period of ten years, commenc-
ing on the first day of January, 1899; ~~and~~ and whereas
it is further represented ~~that~~ that there is no similar industry
established within the limits of the Town of Gananoque, that
the said by-law was submitted to a vote of the ratepayers
entitled to vote on money by-laws as provided by *The*
Municipal Act, and two hundred and thirty-four of the
ratepayers qualified to vote as aforesaid, voted in favor of
said by-law and only ninety-four ratepayers voted against it ;

And whereas it appears that the number of ratepayers voting in the affirmative on the said by-law was slightly below two-thirds of the qualified ratepayers as was required by the repealed provisions of *The Municipal Amendment Act of 1888* respecting by-laws for granting aid to industrial enterprises; but in all other respects the said by-law is within the terms of the said repealed provisions; and whereas there is no industry of a similar nature established in the said town; and whereas the furniture factory and business heretofore carried on at said Town of Gananoque for the manufacture of furniture and known as "The Gananoque Furniture and Undertaking Company, Limited" in which said William McKenzie was the holder of nearly all of the stock of same, the residue being held by members of the family of said William McKenzie, was totally destroyed by fire, including all the machinery and stock in trade in connection therewith; and whereas it is represented that several mechanics, especially skilled in furniture making have been thrown out of employment; and whereas the said corporation have by their petition prayed that the said by-law may be confirmed and declared legal and valid; and whereas the case is in its nature exceptional and subject to the provisions hereinafter set forth it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-Law No.
361 confirmed.

1. Subject to the proviso hereinafter contained, the said by-law No. 361 of the corporation of the Town of Gananoque, intituled as in the preamble to this Act, as set out in schedule A to this Act is hereby confirmed and declared to be valid and binding from the time of the passing thereof to all intents and purposes, and the said corporation is declared to have been authorized by said by-law No. 331 to grant aid by way of loan to William McKenzie therein mentioned to the extent of \$5,000, repayable in twenty years from the first day of March, 1899 or repayable sooner than that time, as provided for and in pursuance of the terms of said by-law, and all acts done or to be done, and all payments made or to be made by the said corporation pursuant to the said by-law No. 361, are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

By-law to be
again sub-
mitted to
ratepayers.

2. Provided, however, that notwithstanding anything in this Act contained, this Act shall not become operative or take effect unless and until the said by-law shall be again submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Municipal Act* and the same shall be approved by the vote in the affirmative of not less than two-thirds of the said ratepayers who are entitled to vote on money by-laws as aforesaid.

§ (2) Provided further that the notice of taking the vote of the ratepayers be published as provided by *The Municipal Act* instead of setting forth the said by-law in full shall be sufficient for all purposes of setting forth the number and title of the said by-law. ~~§~~

SCHEDULE A.

By-Law No. 361.

For granting aid by way of loan to William McKenzie for the promotion of the establishment of a furniture factory within the limits of the corporation of the Town of Gananoque.

Whereas William McKenzie has applied to the municipal council of said corporation of the Town of Gananoque to assist him by lending him the sum of five thousand dollars and exemption from taxes, except school taxes, on condition that he shall without delay erect a factory on the site of his factory recently destroyed by fire, within the limits of said municipality, to be finished and completed with all suitable machinery for the manufacture of furniture and other materials from wood, and costing with the machinery when completed at least six thousand dollars, the same to be completed and in running order on or before the first day of May, one thousand eight hundred and ninety-nine, said William McKenzie to repay said loan within twenty years from the first day of March, one thousand eight hundred and ninety-nine in four equal instalments of one thousand two hundred and fifty dollars each, the first of which instalments will fall due on the first day of March, one thousand nine hundred and four, the second on first day of March, one thousand nine hundred and nine, the third on first day of March, one thousand nine hundred and fourteen, and the fourth and final instalment will fall due and be owing on the first day of March, one thousand nine hundred and nineteen without interest, and upon the further condition that the said William McKenzie will run the said factory for at least nine months in each year and will employ at least fifteen hands in his factory while it is running, and shall expend in wages annually at least five thousand dollars, which sum shall not include expenses of office or management. And the said William McKenzie shall enter into a written agreement with the said corporation to do and perform all things hereinbefore mentioned to be done and performed on his part, and that on failure in performance or breach of any one or more of the said conditions the said William McKenzie shall immediately thereafter repay to the said corporation the said loan, and said mortgage shall be due and payable. Provided that all payments in arrears shall bear interest at the rate of six per cent. per annum until paid.

Provided further that said William McKenzie shall, at or before the time said money shall be lent to him under the provisions of this by-law, give security satisfactory to said corporation by way of a first real estate mortgage on the said factory so to be rebuilt by him, and on the water power, machinery and plant therein, which mortgage shall contain an insurance clause for two thousand dollars in favor of said corporation for the observance of said conditions and the repayment of the said loan under the conditions of this by-law.

And whereas in order to aid the said William McKenzie by lending him said sum of five thousand dollars for the purposes and upon the conditions aforesaid it is necessary and intended by this by-law to create a debt on the part of the said corporation to the amount of five thousand dollars and to provide for the issue of debentures therefor.

And whereas it is necessary to raise annually by special rate during the term of twenty years for paying said debt and the interest thereon the sum of \$317.90, that is, for interest, \$150, and for debt, \$167.90.

And whereas the amount of the whole rateable property of the corporation of Gananoque is one million, one hundred and twenty-five thousand, six hundred and seventy dollars, according to the last revised assessment roll of the said municipality.

And whereas the existing debenture debt of the said corporation is sixty-six thousand, five hundred and thirty-six dollars, and no part of the same or the interest thereon is in arrear, and against which there is an accumulative sinking fund of eleven thousand, nine hundred and seventy-seven dollars.

Be it therefore enacted and it is hereby enacted by the municipal council of the corporation of the Town of Gananoque as follows :—

1. That it shall and may be lawful for the municipal council of said corporation of the Town of Gananoque to aid the said William McKenzie in erecting and equipping a factory for the manufacture of furniture and other articles manufactured of wood, on a part of Block "H" in said corporation, by lending him the sum of five thousand dollars repayable without interest within the said period of twenty years (unless the same shall become due and payable by reason of the breach of any one or more of the conditions and restrictions attached to such loan as hereinbefore provided).

2. That it shall and may be lawful for the mayor of said corporation to cause to be raised by way of loan the aforesaid sum of five thousand dollars for the purpose hereinbefore mentioned, from any person or persons, body or bodies corporate who may be willing to advance the same upon the credit of the debentures hereinafter mentioned, and to cause the same to be paid to the treasurer of the said town.

3. Debentures of said corporation of said town, sealed with its corporate seal, and signed by the said mayor, shall be issued to the amount of said sum of five thousand dollars and payable on the first day of March, one thousand nine hundred and nineteen, and the said debentures shall have attached thereto coupons for the payment of the interest thereon.

4. The said debentures shall bear interest at the rate of three per cent. per annum from the first day of March, A.D. 1899, and such interest shall be payable thereafter semi-annually on the first day of September and March in each year during the currency of the said debentures.

5. The said debentures as to principal and interest shall be payable at the office of the town treasurer at said Town of Gananoque.

6. For the purpose of paying the said debt and interest the said sum of three hundred and seventeen dollars and ninety cents—that is \$167.90 for debt and \$150.00, for interest, shall be raised and levied in each year during the currency of the said debentures by a special rate sufficient therefor on all the rateable property in the said municipality.

7. That the said factory, the land on which it is erected, the water power connected therewith and the machinery and stock therein shall be exempt from all taxes except school taxes for a period of ten years subject, however, to the conditions hereinbefore recited, such exemption to take effect on and from the passing of this by-law.

8. The votes of the ratepayers entitled to vote upon this by-law shall be taken thereon on Thursday, the sixteenth day of June, A.D., 1898, commencing at the hour of nine o'clock in the forenoon and closing at five o'clock in the afternoon at the following places and by the deputy returning officers, that is to say :—In the west ward, at Hugh Davis' house on King street, George Jackson, deputy returning officer ; in the north ward, at Reporter office, Freeman Britton, deputy returning officer and in the south ward, at the firemen's hall, George Peck, deputy returning officer.

9. The clerk of the said municipality shall sum up the number of votes given for and against the said by-law at his office in the Town of Gananoque on Friday, the seventeenth day of June, A.D., 1898, at the hour of ten o'clock in the forenoon.

.10. Persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in promoting or opposing the passage of the by-law respectively shall be appointed by the mayor in writing signed by him at the clerk's office on the fifteenth day of June, 1898, at the hour of two o'clock in the afternoon.

11. That this by-law shall come into force and take effect from and after the same has been duly legalized and confirmed by the legislature of the province of Ontario.

Given under the seal of the corporation of the Town of Gananoque and passed the nineteenth day of July, A.D., 1898.

Signed,

W. B. CARROL,
Mayor.

S. McCAMMON,
Clerk.



2nd Session, 9th Legislature, 62 Viet, 1899.

BILL.

An Act respecting the Town of Gananoque.

First Reading, 21st February, 1899.

Second Reading, 15th March, 1899.

*(Reprinted as amended in Committee of
the Whole.)*

Mr. BEATTY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 50.]

BILL

[1899.

A Bill authorizing the sale of Knox Church, Toronto.

WHEREAS the trustees of Knox Church, Toronto, have by Preamble.
their petition shewn that by a conveyance dated the
19th day of April, 1827, Jesse Ketchum, since deceased con-
veyed to certain trustees therein named the east two-thirds of
5 lot number three (3) on the north side of Hospital street, now
Richmond street, in the City of Toronto, "to be solely appropri-
ated for the building thereon of a church or place of worship
and a house for education," which conveyance was received by
the trustees therein named in virtue of the powers conferred
10 on them by the Act of the Parliament of Upper Canada, passed
in the fourth year of the reign of His Majesty, George IV,
entituled *An Act to enable the Presbyterian Congregation of
York to purchase one or more parcels of ground sufficient for
the erection of a Church or Burying Ground*, and that by a
15 certain other conveyance dated the 25th day of April, 1856,
made by way of further assurance, the said Jesse Ketchum
granted to the then trustees of Knox Church the said lands to
hold the same on the trusts declared and set forth in the said
conveyance of 29th April, 1827, and that by the Act of the
20 Parliament of Canada, 20 Vic., chapter 28, the said lands were
directed to be held by the said trustees of Knox Church upon
the trusts in the said deeds mentioned; that the congregation
of Knox Church had erected a church on the said premises
which has for many years been used as a place of worship for
25 said congregation, but that the locality in which the church is
situate is now largely occupied by buildings used for commer-
cial purposes, and that the former residential population which

formed the bulk of the congregation has left the neighborhood and that the congregation are desirous of moving to some other part of the City of Toronto more suitable for the purposes of the church and that the trustees should be authorized to sell and dispose of said church and site whenever an offer therefor should be received which would meet with the approval of the congregation; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 10 as follows:—

Authority to
sell.

1. That the trustees of Knox Church, Toronto, shall be and they are hereby empowered to sell and dispose for cash or on credit or partly for cash and partly for credit the said east two-thirds of lot number three on the north side of Hospital 15 street, in the City of Toronto, and to convey the same when so sold to the purchaser or purchasers thereof freed and discharged from the trusts expressed and declared concerning the same in the said conveyance from the said Jesse Ketchum of the 19th April, 1827, and 25th April, 1856, and the said Act of 20 Vic., 20 chapter 218, provided always that any such sale shall be first approved by the said congregation at a general meeting of the members thereof duly called for the purpose of considering such proposed sale by notice given from the pulpit of said church after divine service in the forenoon for two successive Sundays 25 immediately preceding the said meeting, and that the consent of such meeting to said sale shall be sufficiently testified by the execution of the conveyance of the said lands to the purchaser thereof by the chairman of the said meeting.

Moneys to be
held in trust.

2. That all moneys to be derived from the sale of the said 30 church and lands shall be held by the trustees for the then time being of Knox Church on trust for the purchase of another site in the City of Toronto for said church and for the erection of another church or place of worship for the use of the said congregation to be approved by the said congregation. 35

Other lands
not to be
affected.

3. That the sale of said site shall in no way affect the trusts on which the trustees of Knox Church hold certain other lands conveyed to them by the said Jesse Ketchum and confirmed in them by said Act of 20 Vic., chapter 218, and that the rents of the lands therein mentioned shall continue to be received and 40 held by the said trustees on the same trusts for the benefit of said congregation, whether worshipping in the present church or in any other site on which a new place of worship may be erected for its use.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

A Bill authorizing the sale of Knox Church,
Toronto.

First Reading,	1899.
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(Private Bill.)

Mr. CRAWFORD.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 50.]

BILL.

[1899.]

An Act respecting Knox Church, Toronto.

WHEREAS the trustees of Knox Church, Toronto, have by Preamble
their petition shewn that by a conveyance dated the
19th day of April, 1827, Jesse Ketchum, since deceased, con-
veyed to certain trustees therein named the east two-thirds of
lot number three (3) on the north side of Hospital street, now
Richmond street, in the City of Toronto, "to be solely appropri-
ated for the building thereon of a church or place of worship
and a house for education," which conveyance was received by
the trustees therein named in virtue of the powers conferred
on them by the Act of the Parliament of Upper Canada, passed
in the fourth year of the reign of His Majesty, George IV,
intituled *An Act to enable the Presbyterian Congregation of
York to purchase one or more parcels of ground sufficient for
the erection of a Church or Burying Ground*, and that by a
certain other conveyance dated the 25th day of April, 1856,
made by way of further assurance, the said Jesse Ketchum
granted to the then trustees of Knox Church the said lands to
hold the same on the trusts declared and set forth in the said
conveyance of 19th April, 1827, and that by the Act of the Par-
liament of Canada, 20 Victoria, chapter 218, the said lands were
directed to be held by the said trustees of Knox Church upon
the trusts in the said deeds mentioned; that the congregation
of Knox Church has erected a church on the said premises
which has for many years been used as a place of worship for the
said congregation, but that the locality in which the church is
situate is now largely occupied by buildings used for commer-
cial purposes, and that the former residential population which

formed the bulk of the congregation has left the neighborhood and that the congregation are desirous of moving to some other part of the City of Toronto more suitable for the purposes of the church and that the trustees should be authorized to sell and dispose of *the* said church and site whenever an offer there-*shall* be received which *will* meet with the approval of the congregation; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to
sell.

1. The trustees of Knox Church, Toronto, are hereby empowered to sell and dispose of for cash or on credit or partly for cash and partly for credit the said east two-thirds of lot number three on the north side of Hospital street, (*now Richmond*) in the City of Toronto, and to convey the same when so sold to the purchaser or purchasers thereof freed and discharged from the trusts expressed and declared concerning the same in the said conveyance from the said Jesse Ketchum of the 19th April, 1827, and 25th April, 1856, and the said Act of 20 Victoria, chapter 218; provided always that any such sale shall be first approved by the said congregation at a general meeting of the members thereof duly called for the purpose of considering such proposed sale by notice given from the pulpit of said church *during* divineservice in the forenoon for two successive Sundays immediately preceding the said meeting, and that the consent of such meeting to said sale shall be sufficiently testified by the execution of the conveyance of the said lands to the purchaser thereof by the chairman of the said meeting; ~~and~~ provided further that the sanction of the Presbytery of Toronto in that behalf shall have been also first obtained before any such sale or disposition be made. ~~and~~

Moneys to be
held in trust.

2. All moneys to be derived from the sale of the said church and lands shall be held by the trustees for the then time being of Knox Church on trust for the purchase of another site in the City of Toronto for said church and for the erection of another church or place of worship for the use of the said congregation to be approved by the said congregation.

Other lands
not to be
affected.

3. The sale of said site shall in no way affect the trusts on which the trustees of Knox Church hold certain other lands conveyed to them by the said Jesse Ketchum and confirmed in them by said Act of 20 Victoria, chapter 218, and the rents of the lands therein mentioned shall continue to be received and held by the said trustees on the same trusts for the benefit of said congregation, whether worshipping in the present church or in any other site on which a new place of worship may be erected for its use.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

A Bill respecting Knox Church, Toronto

First Reading, 23rd February, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

Mr. CRAWFORD.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 51.]

BILL

[1899.

An Act Respecting the Debenture Debt of the Town of Sarnia.

WHEREAS the corporation of the Town of Sarnia has an **Preamble.**
outstanding debt incurred for the construction of water-
works, bonuses to railways and manufactories, and for the
construction of lasting improvements in the Town of Sarnia of
5 more than \$253,000.00, or thereabouts, a portion whereof fell
due during the year 1898 and other portions will fall due dur-
ing the years 1899 and the nine following years; and whereas
the aggregate rate of two cents in the dollar on the whole of the
rateable property in said town is not sufficient to meet the
10 current annual expenses of said town and such portion of said
debenture debt and interest thereon as became due during
1898, and will become due in such other years named; and
whereas the amount of such debt and interest which said ag-
gregate rate will not be sufficient to meet as aforesaid will be
15 as nearly as may be about \$10,000.00 for the year 1899, and
about \$5000.00 for each of the years 1900 to 1908, both in-
clusive; and whereas the said corporation has prayed that an
Act may be passed to empower the said corporation in each of
said years to borrow, on new debentures, such amounts as may
20 be requisite to meet portions of such outstanding debenture debt
maturing and to become due as aforesaid in such years; and
whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent
25 of the Legislative Assembly of the Province of Ontario enacts
as follows:—

Authority to
pass by-law.

R. S. O.
c. 223.

1. Subject to the next section of this Act the corporation of the Town of Sarnia may from time to time during the year 1899 pass a by-law authorizing the issue of new debentures of the said town not to exceed the sum of \$10,000.00, and for an amount not exceeding in any one of the years 1900 to 1903 5 both years inclusive the sum of \$5,000.00 for the purpose of retiring or removing a portion of the debentures and interest now outstanding against the said town which fell due in 1898, or which shall fall due within the year in which said new debentures may be issued as aforesaid, and such new debentures 10 to be issued as aforesaid, under said by-laws, may be in such sums and to such amounts, either in Canadian or sterling currency, as the said corporation may deem best; provided, always, that such by-laws shall be in conformity and shall comply with the provisions of *The Municipal Act* and of the general 15 municipal law from time to time in force in this province, except that it shall not be necessary to obtain the assent of the electors of the said town to the passing of any such by-law as aforesaid, nor of the Lieutenant-Governor-in-Council, either under *The Municipal Act* or any other general Act now or here- 20 inafter to be in force in this province; and, provided further, that subject as aforesaid the said new debentures so to be issued as aforesaid under said by-laws and all moneys arising therefrom shall, to the full extent thereof, be applied only to retire and redeem the said debentures and interest so matured 25 or maturing and due or becoming due as aforesaid in said years.

Provision for
retiring de-
bentures.

2. Notwithstanding anything in this Act contained all the now outstanding debentures, which are public school debentures, or which have been issued for public school purposes or which are debentures for or toward the payment of which the 30 support of separate schools or their property in the said town are not now liable or compellable to be rated or assessed on outstanding debentures for local improvements shall be provided for retired and paid in all respects as if this Act had not been passed. 35

BILL.

An Act respecting debenture debt of the
Town of Sarnia, assented to.

First Reading,	1899.
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(Private Bill.)

Mr. PARDEE.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 51.]

BILL

[1899.]

An Act respecting the Debenture Debt of the Town of Sarnia,

WHEREAS the corporation of the Town of Sarnia has ~~an~~ by Preamble. petition represented that the said corporation has ~~an~~ an outstanding *debenture* debt incurred for the construction of waterworks, bonuses to railways and manufactories, and for the construction of lasting improvements in the Town of Sarnia of more than \$253,000, or thereabouts, a portion whereof fell due during the year 1898 and other portions will fall due during the years 1899 and the nine following years; and *that* the aggregate rate of two cents on the dollar on the whole of the rateable property in said town is not sufficient to meet the current annual expenses of said town and such portion of *the* said debenture debt and interest thereon as became due during 1898, and will become due in such other years named; and *that* the amount of such debt and interest which said aggregate rate will not be sufficient to meet as aforesaid will be as nearly as may be about \$10,000 for the year 1899, and about \$5000 for each of the years 1900 to 1908, both inclusive; and whereas the said corporation has prayed that an Act may be passed to empower the said corporation in each of *the* said years to borrow, on new debentures, such amounts as may be requisite to meet portions of such outstanding debenture debt maturing and to become due as aforesaid in such years; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Authority to
pass by-law.

1. Subject to the next section of this Act the corporation of the Town of Samia may from time to time during the year 1899 pass a by-law authorizing the issue of new debentures of the said town not to exceed the sum of \$10,000, and for an amount not exceeding in any one of the years 1900 to 1908 both years inclusive the sum of \$5,000 for the purpose of retiring a portion of the debentures and interest now outstanding against the said town which fell due in 1898, or which shall fall due within the year in which said new debentures may be issued as aforesaid, and such new debentures to be issued as aforesaid under said by-laws, may be in such sums and to such amounts, either in Canadian or sterling currency, as the said corporation may deem best; provided, always, that such by-laws shall be in conformity to and shall comply with the provisions of *The Municipal Act* and of the general municipal law from time to time in force in this Province, except that it shall not be necessary to obtain the assent of the electors of the said town to the passing of any such by-law as aforesaid, nor of the Lieutenant-Governor-in-Council, either under *The Municipal Act* or any other general Act now or hereinafter to be in force in this Province; and, provided further, that subject as aforesaid the said new debentures so to be issued as aforesaid under said by-laws and all moneys arising therefrom shall, to the full extent thereof, be applied only to retire and redeem the said debentures and interest so matured or maturing as aforesaid in said years.

Rev. Stat.
c. 223.

Provision for
retiring de-
bentures.

2. Notwithstanding anything in this Act contained all the now outstanding debentures, which are public school debentures, or which have been issued for public school purposes or which are debentures for or toward the payment of which the support of separate schools or their property in the said town are not now liable or compellable to be rated or assessed on outstanding debentures for local improvements shall be provided for retired and paid in all respects as if this Act had not been passed.

BILL.

An Act respecting the debenture debt of
the Town of Sarnia.

First Reading, 17th March, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

MT. PARDEE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 51.]

BILL

[1899.

An Act respecting the Debenture Debt of the Town of Sarnia.

WHEREAS the *Municipal* corporation of the Town of Sarnia Preamble. has ~~by~~ petition represented that the said corporation has an outstanding *debenture* debt incurred for the construction of waterworks, bonuses to railways and manufactories, and for the construction of lasting improvements in the Town of Sarnia of more than \$253,000, a portion whereof fell due during the year 1898 and other portions will fall due during the years 1899 and the nine following years, and *that* the aggregate rate of two cents on the dollar on the whole of the rateable property in said town is not sufficient to meet the current annual expenses of said town and such portion of *the* said debenture debt and interest thereon as became due during 1898, and will become due in such other years named, and *that* the amount of such debt and interest which said aggregate rate will not be sufficient to meet as aforesaid will be as nearly as may be about \$10,000 for the year 1899, and about \$5000 for each of the years 1900 to 1908, both inclusive; and whereas the said corporation has prayed that an Act may be passed to empower the said corporation in each of *the* said years to borrow, on new debentures, such amounts as may be requisite to meet portions of such outstanding debenture debt maturing and to become due as aforesaid in such years; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Authority to
pass by-law.

1. Subject to the next section of this Act the corporation of the Town of Sarnia may from time to time during the year 1899 pass a by-law authorizing the issue of new debentures of the said town not to exceed the sum of \$10,000, and for an amount not exceeding in any one of the years 1900 to 1908 both years inclusive the sum of \$5,000 for the purpose of retiring a portion of the debentures and interest now outstanding against the said town which fell due in 1898, or which shall fall due within the year in which said new debentures may be issued as aforesaid, and such new debentures to be issued as aforesaid under said by-laws, may be in such sums and to such amounts, either in Canadian or sterling currency, as the said corporation may deem best; provided, always, that such by-laws shall be in conformity to and shall comply with the provisions of *The Municipal Act* and of the general municipal law from time to time in force in this Province, except that it shall not be necessary to obtain the assent of the electors of the said town to the passing of any such by-law as aforesaid, nor of the Lieutenant-Governor-in-Council, either under *The Municipal Act* or any other general Act now or hereinafter to be in force in this Province; and, provided further, that subject as aforesaid the said new debentures so to be issued as aforesaid under said by-laws and all moneys arising therefrom shall, to the full extent thereof, be applied only to retire and redeem the said debentures and interest so matured or maturing as aforesaid in said years.

Rev. Stat.
c. 223.

Provision for
retiring de-
bentures.

2. Notwithstanding anything in this Act contained all the now outstanding debentures, which are public school debentures, or which have been issued for public school purposes or which are debentures for or toward the payment of which the supporters of separate schools or their property in the said town are not now liable or compellable to be rated or assessed or which are outstanding debentures for local improvements, shall be provided for retired and paid in all respects as if this Act had not been passed.

BILL.

An Act respecting the debenture debt of
the Town of Sarnia.

First Reading,	17th March, 1899.
Second Reading,	20th March, 1899.

*(Reprinted as amended in Committee of
the Whole.)*

Mr. PARDEE.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 52.]

BILL.

[1899.

The Act respecting the City of Toronto

WHEREAS the corporation of the City of Toronto has, by its petition, prayed for special legislation in respect of the several matters herein set forth; and whereas it is expedient to grant the prayer of the said petition;

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the county of York may include in its estimates, and pay to the corporation of the city of Toronto, To authorize County of York to pay their share for pavement on Adelaide St.
10 from time to time the amount payable by them under by-law number 3,322 of the city of Toronto for their proportionate part of the pavement upon Adelaide Street, between Yonge and Church Streets in the said city of Toronto, and shall be liable for their share of the said pavement in the same manner,
15 and to the same extent as if the city of Toronto had power to assess them at the time the said by-law was passed, and the said county had power to pay the amount thereby assessed.

2. The corporation of the city of Toronto may purchase, To enable city to supply electric energy.
obtain or manufacture electric energy for their own purpose
20 and may enter into, and carry on the business of supplying such energy to the inhabitants of the city, and other places adjacent thereto, for commercial and other purposes.

To authorize
debentures to
be issued for
several pur-
poses.

3. The council of the said corporation may, without submitting the same to the ratepayers qualified to vote on money by-laws, pass such by-laws as may from time to time be necessary to authorize an issue of "City of Toronto Consolidated Loan Debentures" to such amount not exceeding \$224,580 as may be necessary for the purposes of completing the Court House and City Hall Building, and for the following purposes: 5

To complete the erection and furnishing of the new City Building	\$88,000 00	
To pay the proportion of the cost of opening Rosedale Valley Road, assumed by the city under judicial decision.	28,588 00	10
To pay for the construction of water mains in various parts of the city as follows:—		
Queen Street, s.s. Soho Street to Spadina Avenue, 12-in. pipe, 800 feet	\$1,800 00	15
Queen Street, s. s. Bathurst St. to Spadina Avenue, 6-in. pipe, 2,000 feet	2,160 00	
Old iron mains renewed.		
Queen Street, s.s. Yonge to Simcoe Street, 12-in. for 8-in. old, 2,120 feet	4,785 00	20
Queen Street, s. s. Simcoe to Soho Sts., 12-in. for 8-in. old, 1,700 feet	3,825 00	
O'Hara Avenue, Marion Street to 650 feet north, 6-in. for 4-in. old, 650 feet.	650 00	25
To extend Bathurst Street main easterly to Bertram's shipbuilding yard....	1,011 00	
		14,231 00

Water mains (authorized last year):—

Exhibition grounds.....	\$6,265 00	30
Esplanade Street.....	1,600 00	
Bay Street, south end.....	1,157 00	
12-in. main, west side River Don.....	3,400 00	
Pacific Avenue, Atlantic to Liberty, 6-in. main	627 00	35
Chamberlain Ave., Wellington to Tecumseh, 6-in. main.....	777 00	
Piper Street, east end of main to 250 feet east, 6-in. main.....	197 00	
Front Street, east end of main to east end of city stables, 6-in. main....	237 00	40
King Street, Dufferin to Grand, 12-in. main.....	3,245 00	
Springhurst Avenue, Dufferin to Tyndall, 6-in. main.....	346 00	45

Springhurst Avenue, Spencer to Cowan,	
6-in. main.....	143 00
Lansdowne Avenue, Union to Shirley,	
10-in. main.....	767 00
5	18,761 00
For the erection of a new Technical School Building	
	75,000 00
	\$224,580 00

and may issue any number of debentures payable in this province or elsewhere, in sums of not less than one hundred dollars each, which may be payable any time within four years from the respective dates thereof, with interest thereon in the meantime at the rate not exceeding four per cent. per annum, payable half yearly; and for the purpose of redeeming the said debentures and pay the interest thereon, the council of the corporation of the city of Toronto may in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issue of debentures therefor, impose a special rate per annum upon all rateable and real property in the said municipality over and above and in addition to all other rates to be levied in each year which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity.

4. By-law No. 3,519 of the said corporation, as amended by By-law No. 3,519 confirmed
 25 By-law No. 3,560, relating to the Rosedale Valley Road between Yonge Street and the River Don, and the debentures issued or to be issued thereunder, and the assessments made or to be made thereunder, are hereby declared to be and to have been valid and effectual from the date of the passing of such by-law, notwithstanding the decision of the Honourable John Douglas Armour, C.J., quashing the same, because By law No. 2,164 of the said corporation, whereby the Rosedale Valley Road was opened and laid out, was not completely registered, although left with the registrar of the city of Toronto, and the fees for
 30 such registration duly paid; and the registrar of East Toronto is now authorized to register the said by-law number 2,164 in his books as of the date when the said by-law was left with the former registrar for the city of Toronto; provided that nothing in this section contained shall affect the question of
 40 costs.

5. Notwithstanding the fact that the local improvement system has been introduced into the city of Toronto, whereby all works, including the paving of streets, is to be done at the expense of the property benefited, the corporation of the city
 45 of Toronto may enter into an agreement with the Grand Trunk

Agreement
with G.T.R.
confirmed.

Railway Company of Canada to provide for the paving of Station Street at the joint expense of the said corporation and the said company.

Sec. 2 of c. 85,
56 v. amended

6. Section 2 of chapter 85 of the Acts passed by this legislature in the 56th year of Her Majesty's reign is amended by substituting figures "230" for the figures "80" in the eleventh line thereof, and by substituting the figures "330" for the figures "180" in the fourteenth line thereof. 5

7. The by-laws of the corporation of the city of Toronto specified in Schedule A hereto and all debentures issued or to be issued thereunder, and all assessments made or to be made for payment thereof, are hereby validated and confirmed. 10

SCHEDULE A.

List of By-laws providing for the issue of debentures, passed by the Council of the Corporation of the City of Toronto at the respective dates set opposite each, the particulars of which are set out below.

No. of By-law.	Nature of Work under By law.	When passed by Council.	Amount of Debt Created.	Amount to be borne by City.	Amount to be borne by Ratepayers	Period of Payment.	Rate of Interest.
			\$	\$	\$	Years.	Per cent.
3,519	Opening the Rosedale Valley road, between Yonge street and the River Don	Dec. 29, 1897.	27,002 53	.....	27,002 53	20	3½
3,530	Consolidating the ratepayers' share of the cost of certain cedar block pavements laid down during the year 1897						
3,531	Asphalt roadway on Aberdeen avenue, between Ontario street and a point 222 feet east	Feb. 7, 1898.	12,876 63	.....	12,876 63	5	3½
3,532	Asphalt roadway on Adelaide street, between Yonge street and Bay street	" 7, "	1,119 29	.....	1,119 29	10	3½
3,533	Asphalt roadway on Berkeley street, between Gerard street and Carlton street	" 7, "	6,337 70	.....	6,337 70	10	3½
3,534	Asphalt roadway on Front street, between Yonge street and Church street	" 7, "	4,382 52	.....	4,382 52	10	3½
3,535	Brick roadway on Bellevue avenue, between Oxford street and College street	" 7, "	10,148 98	.....	10,148 98	10	3½
3,536	Brick roadway on Collier street, between Park road and the east end thereof	" 7, "	2,024 20	.....	2,024 20	10	3½
3,537	Brick roadway on Hazelton avenue, between Yorkville avenue and Davenport road	" 7, "	1,452 94	.....	1,452 94	10	3½
			7,287 20	.....	7,287 20	10	3½

SCHEDULE A.—Continued.

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Amount of Debt Created.		Amount to be Borne by City.	Amount to be Borne by Ratepayers.	Period of Payment.	Rate of Interest.
			\$	\$			Years.	Per cent.
3,538	Brick roadway on Huron street, between College street and Bloor street	Dec. 7, 1898.....	14,438 35			14,438 35	10	3½
3,539	Brick roadway on Lowther avenue, between Avenue road and a point 630 feet west	" 7, "	3,228 91			3,228 91	10	3½
3,540	Brick roadway on Prince Arthur avenue, between Avenue road and a point 628 feet west	" 7, "	3,883 25			3,883 25	10	3½
3,541	Brick roadway on Wellesley place, between Wellesley crescent and Wellesley lane	" 7, "	2,252 51			2,252 51	10	3½
3,542	Brick roadway on Fenning street, between Queen street and Humbert street	" 7, "	2,177 08			2,177 08	6	3½
3,543	Brick roadway on Nassau street, between Spadina avenue and Bellevue avenue	" 7, "	3,161 42			3,161 42	10	3½
3,544	Brick roadway on St. Joseph street, between Yonge and St. Vincent.....	" 7, "	2,024 32			2,024 32	10	3½
3,545	Macadam roadway on Classic place, between Huron street and the east end thereof	" 7, "	570 90			570 90	5	3½
3,546	Gravel roadway on Melbourne avenue, between Cowan avenue and Dufferin street	" 7, "	918 17			918 17	3	3½
3,547	Concrete sidewalk on east side of Church street, between King and Adelaide streets	" 7, "	668 18			668 18	10	3½
3,548	Concrete sidewalk on the south side of Prince Arthur avenue, between Avenue road and Bedford road	" 7, "	784 98			784 98	10	3½

SCHEDULE A.—Continued.

No. of By-law.	Nature of work under By-law.	When Passed by Council.	Amount of Debt Created.		Amount to be Borne by City.		Amount to be Borne by Ratepayers.		Period of Payment.	Rate of Interest.
			\$		\$		\$		Years.	Per cent.
3,549	Concrete sidewalk on the north side of Front street opposite Nos. 10, 12, 14 and 16 on said street.	Feb. 7, 1898.....	229 54		.....		229 54		10	3½
3,550	Concrete sidewalk on the south side of Front street, between Yongo and Scott streets, except 85 feet in front of Nos. 5 and 7 on said street.....	" 7, "	467 14		.....		467 14		10	3½
3,551	Concrete sidewalk on the west side of Yongo street, between Bloor street and Yorkville avenue, except from Cumberland street to a point 40 feet south.....	" 7, "	1,186 59		.....		1,186 59		10	3½
3,552	Concrete sidewalk on the west side of Victoria street, from a point 125 feet 5 inches north of Adelaide street to Richmond street.....	" 7, "	585 18		.....		585 18		10	3½
3,553	Concrete sidewalk on the west side of West Market street, between King and Front streets, except 27 feet in front of No. 34 on said street.	" 7, "	671 51		.....		671 51		10	3½
3,554	Wooden kerbs and filling in the boulevards on Strachan avenue, between King street and Wellington avenue.....	" 7, "	168 52		.....		168 52		2	3½
3,555	Sewer on Lamport avenue, between Crescent road and the east end.....	" 7, "	229 17		.....		229 17		10	3½
3,558	Ratepayers' share of the cost of certain wooden sidewalks laid down in 1897.....	" 21, "	6,581 94		.....		6,581 94		3 or 2	3½

SCHEDULE A.—Continued.

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Amount of Debt Created.	Amount to be borne by City.	Amount to be borne by Ratepayers.	Period of Payment.	Rate of Interest.
			\$	\$	\$	Years.	Per cent.
3,563	Macadam roadway on Richmond street, between Bay street and York street	April 4, 1898,....	2,544 60	.....	2,544 60	3	3½
3,564	Macadam roadway on the east side of Queen's Park crescent, between the east side of Queen Street College avenue and the junction of the said crescent with the road running north therefrom to Bloor street	" 4, "	2,853 45	.....	2,853 45	3	3½
3,565	Brick roadway on Huntley street, between Isabella street and Bloor street	" 4, "	4,012 80	.....	4,012 80	10	3½
3,566	Brick roadway in Huntley street, between Isabella street and Earl street	" 4, "	693 26	.....	693 26	10	3½
3,567	Brick roadway on Grange avenue, between Spadina avenue and Esther street	" 4, "	3,216 55	.....	3,216 55	10	3½
3,568	Concrete sidewalks on the south side of College street, from Elizabeth street to Mission avenue, on the west side of Mission avenue from College street to a point 145½ feet southerly, and on the east side of Elizabeth street from College street to a point 105½ feet southerly.	" 4, "	717 32	.....	717 32	10	3½
3,569	Concrete sidewalk on the east side of Bay street, between Wellington street and a point 158 feet northerly	" 4, "	252 71	.....	252 71	10	3½

SCHEDULE A.—Continued.

No. of By-law.	Nature of work under By-law	When passed by Council.	Amount of Debt Created.		Amount to be Borne by City.	Amount to be Borne by Ratepayers.	Period of Payment.	Rate of Interest.
			\$	\$				
251—2								
3,570	Brick sidewalk on the north side of Bloor street, between Yonge street and Sherbourne street.	April 4, 1898	1,699 48			1,699 48	10	3½
3,571	Brick sidewalk on the north side of Spruce street, between Parliament street and the first lane east.	" 4, "	45 04			45 04	10	3½
3,572	Brick sidewalks on the south side of Queen street, from Bertie street to a point fifty feet easterly, and on the east side of Bertie street from Queen street to a point ninety feet southerly.	" 4, "	85 83			85 83	10	3½
3,573	Brick sidewalk on the west side of John street, between King street and Adelaide street.	" 4, "	230 54			230 54	10	3½
3,574	Brick sidewalk on the west side of Drummond place, between Adelaide street and the first lane north.	" 4, "	20 82			20 82	10	3½
3,575	Ratepayers' share of the cost of certain wooden sidewalks laid down in 1897.	" 4, "	639 39			639 39	3	3½
3,576	Brick roadway on Grand Opera House lane, between Adelaide street and a point 149 feet south.	" 4, "	469 88			469 88	6	3½
3,577	Brick roadway on Johnston street, between Adelaide street and the south end thereof.	" 18, "	596 82			596 82	6	3½

SCHEDULE A.—*Concluded.*

No. of By-law.	Nature of work under By-law.	When Passed by Council.	Amount of Debt Created.	Amount to be Borne by City.	Amount to be Borne by Ratepayers.	Period of Payment.	Rate of Interest.
			\$	\$	\$	Years.	Per cent.
3,578	Macadam roadway on Beverly street, between Queen street and College street	April 18, 1898.....	12,562 77	.....	12,562,77	5	3½
3,579	Brick sidewalk on the east side of Peter street, between Adelaide street and a point 144 feet southerly	" 18, "	86 49	.....	86 49	10	3½
3,597	Debentures for constructing, repairing and renewing pavements upon portions of streets occupied by right of way of The Toronto Railway Company	July 11, "	114,348 00	114,348 00	.....	10	3½
3,598	Consolidating the broken amounts in several Local Improvement By-laws	" 11, "	120,584 87	.....	120,584 87	various	3½
3,599	Consolidating the city's share of amount named in certain Local Improvement By laws	" 11, "	42,837 90	42,837 90	.....	various	3½
3,602	Consolidated loan debentures for the Public Schools	" 11, "	100,000 00	100,000 00	.....	31	3½
3,605	Consolidated loan debentures for High Schools and Collegiate Institutes	Sept. 19, "	6,250 00	6,250 00	.....	10	3½

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the City of Toronto.

First Reading,	1899.
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(Private Bill.)

MR. CRAWFORD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's most Excellent Majesty.

No. 52.]

BILL.

[1899.

An Act respecting the City of Toronto

WHEREAS the *municipal* corporation of the City of Toronto has, by its petition, prayed for special legislation in respect of the several matters herein set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Corporation of the County of York may include in its estimates, and pay to the Corporation of the city of Toronto, from time to time the amount payable by them under by-law number 3,322 of the City of Toronto for their proportionate part of the pavement upon Adelaide Street, between Yonge and Church Streets in the said City of Toronto, and shall be liable for their share of the said pavement in the same manner, and to the same extent as if the City of Toronto had power to assess them at the time the said by-law was passed, and the said county had power to pay the amount thereby assessed, ~~and~~ the county having agreed to pay its fair proportion of the cost of such pavement before the same was constructed. ^{To authorize County of York to pay their share for pavement on Adelaide St.}

2. The council of the said corporation may, without submitting the same to the ratepayers qualified to vote on money by-laws, pass such by-laws as may from time to time be necessary to authorize an issue of "City of Toronto Consolidated ^{To authorize debentures to be issued for several purposes.}

Loan Debentures" to such amount not exceeding \$358,059.40 as may be necessary for the purposes of completing the Court House and City Hall Building, and for the following purposes:

To complete the erection and furnishing of the new City Building	\$220,000 00	
To pay the proportion of the cost of opening Rose-dale Valley Road, assumed by the city under judicial decision..		30,067 40
To pay for the construction of water mains in various parts of the city as follows:—		
Queen Street, s.s. Soho Street to Spadina Avenue, 12-in. pipe, 800 feet.....	\$1,800 00	
Queen Street, s. s. Bathurst St. to Spadina Avenue, 6-in. pipe, 2,000 feet.....	2,160 00	
Old iron mains renewed.		
Queen Street, s.s. Yonge to Simcoe Street, 12-in. for 8-in. old, 2,120 feet.....	4,785 00	
Queen Street, s. s. Simcoe to Soho Sts., 12-in. for 8-in. old, 1,700 feet.....	3,825 00	
O'Hara Avenue, Marion Street to 650 feet north, 6-in. for 4-in. old, 650 feet.	650 00	
To extend Bathurst Street main easterly to Bertram's shipbuilding yard....	1,011 00	
		14,231 00

Water mains (authorized last year):—

Exhibition grounds.....	\$6,265 00
Esplanade Street.....	1,600 00
Bay Street, south end.....	1,157 00
12-in. main, west side River Don.....	3,400 00
Pacific Avenue, Atlantic to Liberty, 6-in. main	627 00
Chamberlain Ave., Wellington to Tecumseh, 6-in. main	777 00
Piper Street, east end of main to 250 feet east, 6-in. main..	197 00
Front Street, east end of main to east end of city stables, 6-in. main....	237 00
King Street, Dufferin to Grand, 12-in. main.....	3,245 00
Springhurst Avenue, Dufferin to Tyndall, 6-in. main.....	346 00
Springhurst Avenue, Spencer to Cowan, 6-in. main.....	143 00

Lansdowne Avenue, Union to Shirley, 10-in. main.....	767 00	
		18,761 00

For the erection of a new Technical School Building or the purchase of lands therefor.....	75,000 00	
		\$358,059 40

and ~~and~~ for any such purposes or any of them ~~the~~ may issue any number of debentures payable in this province or elsewhere, in sums of not less than one hundred dollars each, which may be payable any time within *thirty* years from the respective dates thereof, with interest thereon in the meantime at the rate not exceeding four per cent. per annum, payable half yearly; and for the purpose of redeeming the said debentures and pay the interest thereon, the council of the corporation of the city of Toronto may in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issue of debentures therefor, impose a special rate per annum upon all rateable real *and personal* property in the said municipality over and above and in addition to all other rates to be levied in each year which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity.

3. ~~and~~ The Corporation of the City of Toronto may and shall within three months after the coming into force of this Act, pass a by-law amending By-law Number 3,519 of the said corporation, passed upon the 29th day of December, 1897, as amended by By-law Number 3,560, passed upon the 21st day of March, 1898, relating to the Rosedale Valley Road, between Yonge Street and the River Don, so as to provide that the amount to be paid as the ratepayers' share of the cost of the improvement therein mentioned shall be \$15,7 2.00 instead of the sum in the said By-law Number 3,519 as amended by By-law Number 3,560 mentioned, and assessing the said sum of \$15,722 upon the lands referred to in said by-laws, and extending the time for payments under the said by-laws so as to be over a period of twenty years from the 1st day of January, 1899, instead of 1898 as provided therein; and thereupon the assessments made, or to be made thereunder, are declared to be valid and effectual as from the date of the passing of such by-law, notwithstanding the decision of the Honourable John Douglas Armour, C.J., quashing the same because by-law Number 2,164 of the said corporation, whereby the Rosedale Valley Road was opened and laid out, was not completely registered although left with the Registrar of the City of Toronto, and the fees for such registration duly paid, and the Registrar of East Toronto is now authorized to register the said By-law Number 2,164, and By-law Number 3,509

By-law No.
3,519 con-
firmed.

amending the same, in his books as of the date when the said By-law Number 2,164 was left with the former registrar for the City of Toronto; provided that nothing in this section contained shall affect the question of costs in the pending appeal in *Re Henderson and the City of Toronto*, or affect the issues involved in the action of William Mortimer Clark *vs.* Mary Calender Thomson, *et al.*, or any other action or proceeding now pending. The Corporation of the City of Toronto may and shall assume the balance of the cost of the said improvement over and above \$15,722 as the city's share thereof. ¹²³

Agreement
with G.T.R.
confirmed.

4. Notwithstanding the fact that the local improvement system has been introduced into the city of Toronto, whereby all works, including the paving of streets, is to be done at the expense of the property benefited, the corporation of the city of Toronto may enter into an agreement with the Grand Trunk Railway Company of Canada to provide for the paving of Station Street at the joint expense of the said corporation and the said company.

Sec. 2 of c. 85,
56 Vic.
amended.

¹²⁷
Isolation
hospital.

5. Section 2 of chapter 85 of the Acts passed by this legislature in the 56th year of Her Majesty's reign is amended by substituting figures "250" for the figures "80" in the eleventh line thereof, and by substituting the figures "330" for the figures "180" in the fourteenth line thereof; ¹²⁷provided, however, that with the consent of the Lieutenant-Governor in Council, instead of adding the additional land to the east, as hereinbefore provided, the additional piece of land south of the present hospital and extending to the jail fence and an additional piece the width of the present hospital grounds from north to south and fifty feet easterly of the present hospital lands may be used as additional lands to the present isolated hospital. ¹²³

¹²⁷
By-laws
validated.

6. The by-laws of the corporation of the city of Toronto specified in Schedule A hereto and all debentures issued or to be issued thereunder, and all assessments made or to be made for payment thereof, are hereby validated and confirmed. ¹²³

SCHEDULE A.

List of By-laws providing for the issue of debentures, passed by the Council of the Corporation of the City of Toronto at the respective dates set opposite each, the particulars of which are set out below.

By-law.	Nature of Work under By law.	When passed by Council.	Amount of Debt Created.	Amount to be borne by City.	Amount to be borne by Ratepayers.	Period of Payment.	Rate of Interest.
			\$	\$	\$	Years.	Per cent.
3,530	Consolidating the ratepayers' share of the cost of certain cedar block pavements laid down during the year 1897	Feb. 7, 1898.	12,876 63	.....	12,876 63	5	3½
3,531	Asphalt roadway on Aberdeen avenue, between Ontario street and a point 222 feet east	" 7, "	1,119 29	.....	1,119 29	10	3½
3,532	Asphalt roadway on Adelaide street, between Yonge street and Bay street	" 7, "	6,337 70	.....	6,337 70	10	5½
3,533	Asphalt roadway on Berkeley street, between Gerrard street and Carlton street	" 7, "	4,382 52	.....	4,382 52	10	3½
3,534	Asphalt roadway on Front street, between Yonge street and Church street	" 7, "	10,148 98	.....	10,148 98	10	3½
3,535	Brick roadway on Bellevue avenue, between Oxford street and College street	" 7, "	2,024 20	.....	2,024 20	10	3½
3,536	Brick roadway on Coller street, between Park road and the east end thereof	" 7, "	1,452 94	.....	1,452 94	10	3½
3,537	Brick roadway on Hazelton avenue, between Yorkville avenue and Davenport road	" 7, "	7,287 20	.....	7,287 20	10	3½

SCHEDULE A.—Continued.

By-law No.	Nature of Work under By-law.	When passed by Council.	Amount of Debt Created.		Amount to be Borne by City.	Amount to be Borne by Ratepayers.	Period of Payment. Years.	Rate of Interest. Per cent.
			\$	\$				
3,538	Brick roadway on Huron street, between College street and Bloor street	Feb. 7, 1898.....	14,438 35	.....	.....	14,438 35	10	3½
3,539	Brick roadway on Lowther avenue, between Avenue road and a point 630 feet west	" 7, "	3,228 91	.....	.....	3,228 91	10	3½
3,540	Brick roadway on Prince Arthur avenue, between Avenue road and a point 628 feet west	" 7, "	3,883 25	.....	.....	3,883 25	10	3½
3,541	Brick roadway on Wellesley place, between Wellesley crescent and Wellesley lane	" 7, "	2 252 51	.....	.....	2,252 51	10	3½
3,542	Brick roadway on Fenning street, between Queen street and Humbert street	" 7, "	2 177 08	.....	.....	2,177 08	6	3½
3,543	Brick roadway on Nassau street, between Spadina avenue and Bellevue avenue	" 7, "	3,161 42	.....	.....	3,161 42	10	3½
3,544	Brick roadway on St. Joseph street, between Yonge and St. Vincent	" 7, "	2,024 32	.....	.....	2,024 32	10	3½
3,545	Macadam roadway on Classic place, between Huron street and the east end thereof	" 7, "	570 90	.....	.....	570 90	5	3½
3,546	Gravel roadway on Melbourne avenue, between Cowan avenue and Dufferin street	" 7, "	918 17	.....	.....	918 17	3	3½
3,547	Concrete sidewalk on east side of Church street, between King and Adelaide streets	" 7, "	668 18	.....	.....	668 18	10	3½
3,548	Concrete sidewalk on the south side of Prince Arthur avenue, between Avenue road and Bedford road	" 7, "	784 98	.....	.....	784 98	10	3½

SCHEDULE A.—Continued.

No. of By-law.	Nature of work under By-law.	When Passed by Council.	Amount of Debt Created.	Amount to be Borne by City.	Amount to be Borne by Ratepayers.	Period of Payment.	Rate of Interest.
			\$	\$	\$	Years.	Per cent.
3,549	Concrete sidewalk on the north side of Front street opposite Nos. 10, 12, 14 and 16 on said street.	Feb. 7, 1898.....	229 54	.....	229 54	10	3½
3,550	Concrete sidewalk on the south side of Front street, between Yonge and Scott street's, except 85 feet in front of Nos. 5 and 7 on said street.....	" 7, "	467 14	.....	467 14	10	3½
3,551	Concrete sidewalk on the west side of Yonge street, between Bloor street and Yorkville avenue except from Cumberland street to a point 40 feet south.....	" 7, "	1,186 59	.....	1,186 59	10	3½
3,552	Concrete sidewalk on the west side of Victoria street, from a point 125 feet 5 inches north of Adelaide street to Richmond street.....	" 7, "	585 18	.....	585 18	10	3½
3,553	Concrete sidewalk on the west side of West Market street, between King and Front streets, except 27 feet in front of No. 34 on said street.....	" 7, "	671 51	.....	671 51	10	3½
3,554	Wooden kerbs and filling in the boulevards on Strachan avenue, between King street and Wellington avenue.....	" 7, "	168 52	.....	168 52	2	3½
3,555	Sewer on Lamport avenue, between Crescent road and the east end.....	" 7, "	229 17	.....	229 17	10	3½
3,558	Ratepayers' share of the cost of certain wooden sidewalks laid down in 1897.....	" 21, "	6,581 94	.....	6,581 94	3 or 2	3½

SCHEDULE A.—Continued.

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Amount of Debt Created.	Amount to be borne by City.	Amount to be borne by Ratepayers.	Period of Payment.	Rate of Interest.
			\$	\$	\$	Years.	Per cent.
3,563	Macadam roadway on Richmond street, between Bay street and York street	April 4, 1898.....	2,514 60	.....	2,514 60	3	3½
3,564	Macadam roadway on the east side of Queen's Park crescent, between the east side of Queen Street College avenue and the junction of the said crescent with the road running north therefrom to Bloor street	" 4, "	2,853 45	.....	2,853 45	3	3½
3,565	Brick roadway on Hurley street, between Isabella street and Bloor street	" 4, "	4,012 80	.....	4,012 80	10	3½
3,566	Brick roadway on Hurley street, between Isabella street and Earl street	" 4, "	693 26	.....	693 26	10	3½
3,567	Brick roadway on Grant avenue, between Spadina avenue and Esther street	" 4, "	3,216 55	.....	3,216 55	10	3½
3,568	Concrete sidewalks on the south side of College street, from Elizabeth street to Mission avenue, on the west side of Mission avenue from College street to a point 145½ feet southerly, and on the east side of Elizabeth street from College street to a point 105½ feet southerly ..	" 4, "	717 32	.....	717 32	10	3½
3,569	Concrete sidewalk on the east side of Bay street, between Wellington street and a point 158 feet northerly	" 4, "	252 71	.....	252 71	10	3½

SCHEDULE A.—Continued.

2—52 No. of By-law.	Nature of work under By-law.	When passed by Council.	Amount of Debt Created.	Amount to be Borne by City.	Amount to be Borne by Ratepayers.	Period of Payment.	Rate of Interest.
			§	§	§	Years.	Percent.
3,570	Brick sidewalk on the north side of Bloor street, between Yonge street and Sherbourne street.	April 4, 1898.....	1,699 48	.....	1,699 48	10	3½
3,571	Brick sidewalk on the north side of Spruce street, between Parliament street and the first lane east.....	" 4, "	45 04	.....	45 04	10	3½
3,572	Brick sidewalks on the south side of Queen street, from Bertie street to a point fifty feet easterly, and on the east side of Bertie street from Queen street to a point ninety feet southerly.	" 4, "	85 83	.....	85 83	10	3½
3,573	Brick sidewalk on the west side of John street, between King street and Adelaide street.....	" 4, "	230 54	.....	230 54	10	3½
3,574	Brick sidewalk on the west side of Drummond place, between Adelaide street and the first lane north.....	" 4, "	20 82	.....	20 82	10	3½
3,575	Ratepayers' share of the cost of certain wooden sidewalks laid down in 1897.....	" 4, "	639 39	.....	639 39	3	3½
3,576	Brick roadway on Grand Opera House lane, between Adelaide street and a point 149 feet south.....	" 4, "	469 88	.....	469 88	6	3½
3,577	Brick roadway on Johnston street, between Adelaide street and the south end thereof.....	" 18, "	596 82	.....	596 82	6	3½

SCHEDULE A.—*Concluded.*

No. of By-law.	Nature of work under By-law.	When Passed by Council.	Amount of Debt Created.	Amount to be Borne by City.	Amount to be Borne by Ratepayers.	Period of Payment.	Rate of Interest.
			\$	\$	\$	Years.	Per cent.
3,578	Macadam roadway on Beverly street, between Queen street and College street	April 18, 1898....	12,562 77	.....	12,562 77	5	3½
3,579	Brick sidewalk on the east side of Peter street, between Adelaide street and a point 144 feet southerly	" 18, "	86 49	.....	86 49	10	3½
3,597	Debentures for constructing, repairing and renewing pavements upon portions of streets occupied by right of way of The Toronto Railway Company	July 11, "	114,348 00	114,348 00	.....	10	3½
3,598	Consolidating the broken amounts in several Local Improvement By laws	" 11, "	120,584 87	.....	120,584 87	various	3½
3,599	Consolidating the city's share of amount named in certain Local Improvement By laws	" 11, "	42,837 90	42,837 90	.....	various	3½
3,602	Consolidated loan debentures for the Public Schools	" 11, "	100,000 00	100,000 00	.....	31	3½
3,605	Consolidated loan debentures for High Schools and Collegiate Institutes	Sept. 19, "	6,250 00	6,250 00	.....	10	3½

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act respecting the City of Toronto.

First Reading, 21st February, 1899.

*(Reprinted as amended by Private Bills
Committee)*

MR. CRAWFORD.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's most Excellent Majesty.

No. 53.]

BILL.

[1899.

An Act respecting the Town of Lindsay.

WHEREAS the corporation of the Town of Lindsay have, by Preamble.
their petition, represented that they have passed a by-law No. 818, entitled "a by-law to authorize the loan of \$20,000.00 to Richard Sylvester, upon mortgage, and to authorize
5 the issue of debentures to raise said loan," which said by-law is set forth in full in schedule A hereto; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws, as provided for by *The Municipal Act*, when 560 votes were given in favor thereof and only 85 votes
10 against the same; and whereas the said Richard Sylvester carries on a large business in the Town of Lindsay as a manufacturer of agricultural implements, under the name, style and firm of Sylvester Bros. Manufacturing Company, and employs about one hundred hands. A large part of the output of his
15 factory is sold in the province of Manitoba. The said Sylvester has never received any assistance from the town by way of bonus or loan, and there is no other similar manufactory in the town; and whereas it is necessary for him to obtain the said loan so as to enable him to enlarge and remodel his fac-
20 tory and to continue to employ said number of men, and it would be very detrimental to the town if the number of hands were reduced, as there is no other work in the town at which they could obtain employment; and whereas the said corporation have, by their petition, shewn that Messrs. Rider and
25 Kitchener have agreed to establish a veneer and excelsior factory in the Town of Lindsay, and employ an average of twenty-five hands each year, providing the town grant them a

bonus of \$2,000.00 towards the purchase of a site and necessary conveniences, and grant them fire protection and exemption from taxation for a period of ten years, and that they have entered into an agreement for that purpose, dated 21st of January 1899, which is set forth in full in schedule B hereto, 5 and that the question of passing a by-law for said purposes was submitted to a vote of the ratepayers entitled to vote thereon at the last municipal elections, when 618 votes were given in favor of passing such a by-law, and 131 votes against the same, and there is no other similar manufactory in the 10 town; and whereas the said corporation have also, by their petition, represented that a large number of men are employed in the town in the saw and shingle mills in the town, that the supply of suitable timber for saw and shingle mills is becoming scarce, and that it is necessary to encourage other manu- 15 factories which will use the other classes of timber still left on the waters tributary to the Town of Lindsay, so as to ensure the continuance of employment for the working men in the town; and whereas the said corporation have, by their petition, prayed that the said by-law No. 818 may be legalized 20 and approved and declared valid and binding, and that the said agreement with Messrs. Rider and Kitchener may be ratified and confirmed and declared valid and binding, and power given to them to pass all necessary by-laws to carry out the same, and that in the event of the agreement with the said 25 firm of Rider and Kitchener being determined, power and authority may be given the corporation to grant a similar bonus and privilege to any other person or persons on similar terms; and whereas the case of the Town of Lindsay is, for the reasons aforesaid, exceptional, and whereas it is expedient 30 to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 818 confirmed. 1. That the said by-law No. 818, of the corporation of the 35 Town of Lindsay, entitled "a by-law to authorize the loan of \$20,000.00 to Richard Sylvester upon mortgage, and to authorize the issue of debentures to raise said loan," and set out in schedule A to this Act, is hereby confirmed, legalized and approved, and declared valid and binding on the corpora- 40 tion from the time of passing thereof, to all intents and purposes, and all acts done or to be done by the said corporation pursuant to the said by-law, are declared to be valid and binding on the corporation, anything in any Act to the contrary notwithstanding. 45

Agreement confirmed. 2. The said agreement between Messrs. Rider and Kitchener and the corporation of the Town of Lindsay, dated the 21st of January, 1899, set out in schedule B to this Act, is hereby ratified and confirmed, and declared valid and binding on the 50

parties in the same manner as if set out at length and incorporated in this Act, subject only to be determined as therein provided for, and the said corporation is hereby authorized and empowered to pass all necessary by-laws to carry out the said agreement.

3. It shall be lawful for the municipal corporation of the Town of Lindsay to pass a by-law creating a debt of \$2,000.00, and issuing debentures therefor payable in instalments in ten years, for the purpose of raising the money to carry out the said agreement with the said Rider and Kitchener, such by-law to comply with all the requirements of the *Municipal Act* in respect of by-laws creating debts, except that it shall not be necessary for the same to receive the consent of the electors, they having already expressed their approval of the passing of such a by-law.

Authority to pass by-law creating a debt.
R.S.O. c. 223.

4. In the event of the said agreement with Messrs. Rider and Kitchener being determined, and no bonus given them, it shall and may be lawful for the corporation of the Town of Lindsay to grant similar privileges and aid, by way of bonus or loan (not exceeding in the aggregate \$2,000.00) any other manufacturing industry or industries, in assisting them to purchase a factory site and conveniences, upon such terms and conditions as may be agreed upon, and to issue debentures therefor extending over a period not exceeding ten years, and to do all other acts in connection therewith the same as if the power to grant bonuses was still vested in municipalities; provided that any by-law or by-laws granting such bonus or loan shall, before being finally passed, be submitted to the votes of the electors entitled to vote thereon, and approved of by a majority of those voting thereon, and the provisions as to procedure and otherwise, contained in *The Municipal Act* respecting by-laws creating debts, shall apply to such by-law or by-laws as if expressly incorporated with this Act.

Authority to help other industries.
R.S.O. c. 223.

SCHEDULE A.

(Section 1.)

BY-LAW No. 818.

Being a by-law to authorize the loan of \$20,000.00 to Richard Sylvester upon mortgage and to authorize the issue of debentures to raise said loan.

Whereas it is desirable to loan to Richard Sylvester, of the Town of Lindsay, manufacturer of agricultural implements, the sum of \$20,000.00 to assist him in making some changes in his business, upon the security of a first mortgage upon his agricultural implement manufactory, and a policy of insurance upon his life for \$10,000.00 on the terms and conditions hereinafter mentioned.

And whereas for said purpose it is necessary to create a debt to the extent of \$20,000.00 and to issue debentures therefor in manner herein-after mentioned.

And whereas \$1,800.55 is the total amount required to be raised annually by special rate for the period of fifteen years for paying the said debt and interest thereon at 4 per cent. per annum in instalments according to the terms of this by-law, so that the aggregate amount payable for principal and interest in each year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years for such period.

And whereas the amount of the whole rateable property of the Town of Lindsay according to the last revised assessment roll is \$1,925,575.00.

And whereas the amount of the existing debenture debt of the Town of Lindsay is \$193,809.40, and there is no part of the principal or interest of the said existing debt in arrear.

Therefore the municipal council of the corporation of the Town of Lindsay enact as follows :

1. That the sum of \$20,000.00 be loaned to Richard Sylvester of the Town of Lindsay, in the County of Victoria, manufacturer of agricultural implements, to assist him in making some changes in his business, upon the security of a first mortgage upon his agricultural implement manufactory, situated upon the corner of Kent street and Victoria avenue, in the Town of Lindsay, and a policy of insurance upon his life for \$10,000.00, the said sum, together with interest thereon at the rate of four per cent. per annum, to be repayable in fifteen annual instalments of \$1,800.55 each on the first day of February in each year, the first payment to be made on the first day of February, 1900, the said annual instalments of \$1,800.55, including both principal and interest ; the said mortgage, policy of life insurance and assignment thereof, to be in such form and to contain such covenants, provisos, stipulations and agreements as may be approved of and required by the mayor and town solicitor, and to provide for an insurance upon the buildings and machinery of at least \$15,000, and that the insurance policies shall be made in favor of or assigned to the town.

2. That for the purposes aforesaid it shall be lawful for the mayor of the Town of Lindsay, and he is hereby authorized and required to cause debentures of the said town to be made, executed and issued to the amount of \$20,000.00, payable in annual instalments on the fifteenth day of February in each year for fifteen years for the following amounts for the following years respectively: 1900, \$1,000 ; 1901, \$1,000 ; 1902, \$1,100 ; 1903, \$1,100 ; 1904, \$1,200 ; 1905, \$1,200 ; 1906, \$1,200 ; 1907, \$1,300 ; 1908, \$1,400 ; 1909, \$1,400 ; 1910, \$1,500 ; 1911, \$1,600 ; 1912, \$1,600 ; 1913, \$1,600 ; 1914, \$1,800.

3. The said debentures shall bear interest at the rate of four per cent. per annum, payable yearly on the fifteenth day of February in each year during the currency of the said debentures, and shall have coupons attached for the payment of interest, and the debentures and coupons shall be made payable at the office of the Town Treasurer.

4. There shall be raised and levied in each year for the payment of the said debt and interest and the debentures issued therefor the sum of \$1,800.55 during the currency of the said debt and debentures by a special rate sufficient therefor on all the rateable property in the municipality of the Town of Lindsay. Provided, however, that the moneys payable by the said Richard Sylvester under the said mortgage shall be applied in payment of the said debentures and coupons and it shall not be necessary to levy said rate in any year in which the said Sylvester has made his payment and the town has from that source sufficient money in hand to pay said debentures and coupons coming due that year, and if part is paid then it shall only be necessary to raise the balance by special rate.

5. The said debentures or proceeds thereof shall be paid or delivered to the said Richard Sylvester upon his giving the securities provided for by this by-law and paying all the costs, charges and expenses that the town may incur in connection with the by-law or the loan.

6. This by-law shall come into force and take effect upon the same being legalized and approved of by the Legislature of the Province of Ontario.

7. That the votes of all electors in the Town of Lindsay entitled to vote thereon shall be taken on this by-law on Monday the 24th day of October, A.D. 1898, from nine o'clock in the forenoon until five o'clock in the afternoon of the same day at the following places, and the following shall be the deputy-returning officers to take the votes at the respective places:

North Ward: No. 1. Council Chamber, returning officer Mr. Peter Nicolle; No. 2. Wm. Skitch's shop, returning officer Mr. R. G. Corneil; No. 3. A. W. Parkin's office, returning officer Mr. Thomas McKibbin.

South Ward: No. 1. R. Ryan & Co. lumber office, returning officer Mr. W. T. Robson; No. 2. L. O'Connor's carriage shop, returning officer Mr. A. A. J. Soanes; No. 3. H. Dennis' pump shop, returning officer Mr. Charles O'Leary.

East Ward: No. 1. Grozelle's Shoe Shop, returning officer Mr. Arch. Bradshaw; No. 2. F. Frandell's office, returning officer Mr. John O'Reilly.

8. The twenty-first day of October, A.D. 1898, at the Town Clerk's office in the Town of Lindsay, at ten o'clock in the forenoon is hereby fixed as the time and place for the appointment of persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively, on behalf of persons interested in and promoting or opposing this by-law respectively.

9. The twenty-fifth day of October, A.D. 1898, at the Town Clerk's office in the Town of Lindsay, at twelve o'clock noon, is hereby fixed as the time and place when the clerk of this council shall sum up the number of votes given for and against this by-law respectively.

(Sgl.) R. SMYTHE,
Presiding officer in absence of Mayor.
(Sgl.) F. KNOWLSON,
Clerk.

Passed in Council this 7th day of November, A.D. 1898.

SCHEDULE B.

THIS INDENTURE dated this twenty-first day of January, in the year of our Lord one thousand eight hundred and ninety-nine, between Henry A. Rider and Andrew D. Ritchener, carrying on business at the Town of Brampton, under the name, style and firm of Rider & Ritchener, as manufacturers of veneer, excelsior, etc., hereinafter called the manufacturers, of the first part, and the corporation of the Town of Lindsay, hereinafter called the corporation, of the second part.

Whereas the said manufacturers have agreed to establish a veneer and excelsior factory in the Town of Lindsay, provided the corporation grant them a bonus of two thousand dollars, and fire protection, and exemption from taxation, which the corporation have agreed to do upon the terms hereinafter mentioned; and whereas pursuant to the resolution of the council of the corporation of the Town of Lindsay, passed on the twenty-third day of December, 1898, the votes of the ratepayers entitled to vote

upon a by-law authorizing the creation of a debt of two thousand dollars, and issuing debentures therefor, payable in ten years, was taken on the second day of January, 1899, upon the question whether they were for or against the passing of a by-law granting Messrs. Rider & Kitchener, of Brampton, a bonus of \$2,000.00 towards the purchase of a site and necessary conveniences for the erection of a veneer and excelsior factory in the Town of Lindsay, and granting fire protection and exemption from taxation upon their said factory and all plant, machinery, appliances and stock used in connection therewith, for a period of ten years, such exemption from taxation to be conditional upon their employing an average of at least twenty five hands each year, and that they give a mortgage to the town upon their land, factory, buildings, plant and machinery for the amount of the said bonus. \$2,000.00, subject only to any first mortgage they may put thereon at any time during the ten years, not exceeding \$4,000, and that \$500.00 of said mortgage for \$2,000.00 be cancelled and receipted as paid each year that they carry out the terms of their contract until the amount is all wiped out, such \$2,000.00 bonus to be borrowed by the town on debentures extending over a period of ten years, all the terms and details of the whole transaction to be made satisfactory to the mayor and aldermen, when 618 votes were given for the passing of such a by-law and 131 votes against the same; and whereas all the terms and details of the agreement have been settled between the parties to the satisfaction of the mayor and alderman of the Town of Lindsay, and the same are embodied in this agreement; and whereas the corporation have agreed to apply to the Legislative Assembly of the Province of Ontario for a special Act ratifying this agreement and giving the town council power to pass the necessary by-law or by-laws to carry the same.

Now this indenture witnesseth that the said parties hereby mutually covenant, promise and agree to and with each other as follows:—

1. The corporation agree to give and grant to the manufacturers a bonus of two thousand dollars towards the purchase of a site and necessary conveniences for the erection of a veneer and excelsior factory in the Town of Lindsay, and fire protection and exemption from taxation upon their said factory and all plant, machinery, appliances and stock used in connection therewith, for a period of ten years on the terms and conditions hereinafter mentioned, and that they will make an application to the Legislative Assembly for the Province of Ontario for a special Act ratifying this agreement and giving the town council power to pass the necessary by-law or by-laws to carry out the same.
2. The manufacturers agree to and with the corporation that in the event of the corporation obtaining said special Act of parliament, they, the manufacturers, will as soon as possible purchase in the Town of Lindsay a suitable site and proceed without delay and erect thereon all necessary buildings (to the value of at least twenty-five hundred dollars) suitable for a factory for the manufacture of veneer and excelsior and such other articles made from wood as will not come into competition with any other articles now manufactured in the Town of Lindsay, and put and place therein all necessary plant and machinery to the value of at least seven thousand dollars, and have the same in good running order and commence the manufacture of veneer and excelsior therein on or before the first day of January, 1900.
3. The manufacturers agree with the corporation that they will carry on the manufacture of veneer and excelsior in the Town of Lindsay in the said factory, or in any other buildings or factory substituted therefor, for the term of ten years from the first day of January, one thousand nine hundred, without interruption, unless in case of loss by fire, or in case of accident to machinery or motor power, or in case of stoppage for necessary repairs and alterations, or on account of strikes, or for any other necessary reason as shall render such interruption unavoidable, and in any such case operations shall be resumed as soon as possible thereafter, not exceeding eight months in case of loss by fire, and not exceeding four months in any other case, and in case any such interruption shall be for a longer period than

two months in any year, the factory shall be continued and carried on after the said term of ten years for a period equal to the time of interruption over two months.

4. The manufacturers agree with the corporation that they will for and during the term of ten years from the first day of January, 1900, employ in the said Town of Lindsay, in and about the said manufactory and in connection with the factory business in the said Town of Lindsay, for at least ten months in each year, an average of twenty-five hands, each day of not less than nine hours, of whom eighteen shall be adults, that is, persons over the age of nineteen years, and pay to the hands so employed, exclusive of the manager and book-keeper, at least six thousand dollars in wages in each year; and they will furnish the corporation on or before the tenth day of January, in each year, with a statutory declaration of a member of the firm, or the manager thereof, or other persons having full knowledge of the facts, showing the names and number of hands employed, and whether adults or not, the time they were employed, and the amount paid for wages during the preceding year, ending on the first day of January: and they will, if required, once in each year exhibit their time-books and pay sheets to such person or persons as the corporation may designate, to enable such person or persons to ascertain whether this agreement has been carried out or not. Nothing herein contained shall render it necessary for the manufacturers to employ the said number of hands during any stoppage or interruption of the business, as in the preceding paragraph of this agreement mentioned.

5. The manufacturers agree with the corporation that they will give the corporation a mortgage for the sum of two thousand dollars, the amount of said bonus, upon their land site, the factory and all buildings erected or to be erected thereon, and all appurtenances thereto, together with all plant, machinery and appliances which may at any time be brought or put thereon which are to be declared to be and form part of the freehold, such mortgage to be conditioned for the repayment of the said sum of two thousand dollars in ten equal annual instalments of two hundred dollars each on the first day of January in each year, the first whereof to become due on the first day of January, 1901, and for the due performance of all the covenants and agreements herein contained on the part of the manufacturers, and shall provide that for every year the manufacturers fulfil and carry out all the covenants and agreements herein contained in their part, they shall be entitled to a credit of two hundred dollars on said mortgage, but if for any two consecutive years they fail to carry out all the covenants and agreements herein contained on their part or any of them then the whole sum of two thousand dollars, or the balance thereof after deducting any amount to which they may be entitled to credit for, shall be at once due and payable, and the corporation shall be absolutely entitled to recover the same, and shall not be required to show that they have sustained that amount, or any damage, the intention being that the manufacturers shall only be entitled to the bonus as the same is earned yearly, and in the meantime it shall be considered as a loan, and in case of any interruption in carrying on the factory by reason of fire, or any of the causes in the third paragraph hereof mentioned, for longer than two months, they shall only be entitled to credit for a proportionate part for that year, and the balance stand over until the end of the term, when it may be earned on the same terms and conditions. The said mortgage shall be subject only to any first mortgage the manufacturers may put on at any time during said term of ten years, not exceeding four thousand dollars, with interest at six per cent. per annum, and shall be in the usual statutory form and contain an insurance clause providing for an insurance on the building, machinery and appliances of fifteen hundred dollars, if that amount can be obtained, over and above any insurance for the benefit of the first mortgagees and shall contain personal covenants on behalf of the manufacturers.

6. The corporation agrees to pay over to the manufacturers the said bonus upon the manufacturers performing their covenants and agree-

ments contained in the second paragraph hereof, and executing and delivering to the corporation the mortgage provided for in clause five hereof. If, however, the manufacturers request them so to do, the corporation agrees, upon the manufacturers purchasing the site for the said factory and executing and delivering to the corporation the mortgage provided for in clause five hereof, to advance to the manufacturers fifty per cent. of the purchase price thereof, and to advance seventy-five per cent. of the value of the buildings fortnightly as the work progresses, not exceeding the amount of the said bonus, the amount of such advances to be determined by the mayor of the Town of Lindsay.

7. The manufacturers undertake and agree to purchase and locate the said factory upon a site within reach of the present fire hydrants and water mains of the waterworks in the Town of Lindsay, if at all possible, but if no such site is available, the corporation are to be consulted and agree to the site, and are to arrange for putting in a fire hydrant or fire hydrants within reach of such factory as shall be necessary to give protection, such agreement to be testified by resolution of the council duly passed. But if the parties cannot agree upon a site and location and number of fire hydrants, the corporation are to be at liberty to determine this agreement. It is also understood that the corporation do not by this agreement bind themselves to give any more fire protection than the other ratepayers are entitled to, except the putting in of a fire hydrant or fire hydrants as above mentioned, if necessary, and are to be under no more liability than they are to the ordinary ratepayers of the town.

8. Provided the said manufacturers carry out their covenants and agreements contained in paragraph four hereof, the manufacturers' said site and factory and all plant, machinery, appliances and stock used in connection therewith shall be exempt from all municipal taxes, except school taxes, for a period of ten years, from the first day of January, 1900, and the school taxes shall also during said period, provided the legislature approves thereof, be paid upon a basis of an assessment of fifteen hundred dollars, all said property to be assessed each year in the usual way at the proper valuation thereof, and the council are each year, if the said covenants and agreements have been carried out, to give the necessary directions to the town treasurer to write off the taxes, and in case of any dispute as to whether the manufacturers are entitled to the exemption, the question may, in addition to all other methods of deciding the same, be determined in a summary manner by either of the county judges upon the application of either party.

9. That if any part of the manufacturers' said factory or lands, buildings, plant, machinery and appliances used in connection therewith are at any time used or occupied for any other purpose than a factory for the manufacture of veneer and excelsior and such other articles made from wood as will not come into competition with any other articles manufactured in the Town of Lindsay, such part shall be assessed separately and full taxes paid thereon.

10. That in the event of the corporation obtaining said special Act of Parliament, and the question of the site and fire protection having been settled or failed to be settled by reason of the default of the manufacturers in not selecting a site, and the manufacturers neglect or refuse to proceed and carry out their covenants and agreements contained in paragraph two hereof, the manufacturers shall pay to the corporation such reasonable costs, charges and expenses as they may have in any way been put to in submitting the said question to the ratepayers and in obtaining said special Act of Parliament.

11. Any joint stock company which may be incorporated and which may take over the manufacturers' factory and business, and any person or firm succeeding the said manufacturers, shall be entitled to the same privileges and exemptions as the said manufacturers are entitled to under this agreement, on the same terms and conditions.

12. In case the said special Act is not obtained, this agreement is to be at an end.

13. If the manufacturers during the said term of ten years remove their factory and business to another site in the Town of Lindsay, they shall be entitled to the same exemptions thereon in case the substituted site and the buildings erected thereon and plant and machinery placed therein comply with the terms of paragraph two hereof, and the site from which they remove shall then be liable to taxation in the ordinary way.

In witness whereof the mayor of the said the corporation of the Town of Lindsay has hereunto set his hand and affixed the corporate seal and the said parties of the first part have hereunto set their hands and seals.

Signed, sealed and delivered
in the presence of

{ H. A. RIDER. { Seal }

D. URQUHART,
As to Signature of
H. A. RIDER.

A. D. KITCHENER. { Seal }

H. W. RIDER,
As to Signature of
A. D. KITCHENER.

THOS. WALTERS,
Mayor. { Corporate Seal
of the Town
of Lindsay. }

F. KNOWLSON,
Town Clerk.

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act respecting the Town of Lindsay.

First Reading, , 1899.

(Private Bill.)

MR. FOX.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 53.]

BILL.

[1899.

An Act respecting the Town of Lindsay.

WHEREAS the corporation of the Town of Lindsay have, by **Preamble.** their petition, represented that they have passed a by-law No. 818, entitled "a by-law to authorize the loan of \$20,000.00 to Richard Sylvester, upon mortgage, and to authorize the issue of debentures to raise said loan," which said by-law is set forth in full in schedule A hereto; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws, as provided for by *The Municipal Act*, when ~~two~~ two-thirds of the said ratepayers voted in favor thereof ~~and~~ and whereas the said Richard Sylvester carries on a large business in the Town of Lindsay as a manufacturer of agricultural implements, under the name, style and firm of Sylvester Bros. Manufacturing Company, and employs about one hundred hands, a large part of the output of his factory *being* sold in the province of Manitoba; ~~and~~ and whereas it appears that ~~the~~ the said Sylvester has never received any assistance from the town by way of bonus or loan, and there is no other similar manufactory in the town; and whereas *it is urged that* it is necessary for him to obtain the said loan so as to enable him to enlarge and remodel his factory and to continue to employ said number of men, and *that* it would be very detrimental to the town if the number of hands were reduced, as there is no other work in the town at which they could obtain employment; and whereas the said corporation have *also* by their *said* petition, shewn that Messrs. Rider and Kitchener have agreed to establish a veneer and excelsior factory in the Town of Lindsay, and employ an average of twenty-

five hands each year, providing the town grant them a bonus of \$2,000.00 towards the purchase of a site and necessary conveniences, and grant them fire protection and exemption from taxation for a period of ten years, and that they have entered into an agreement for that purpose, dated 21st of January 1899, which is set forth in full in schedule B hereto, and that the question of passing a by-law for said purposes was submitted to a vote of the ratepayers entitled to vote thereon at the last municipal elections, when ⁴²over two-thirds of the qualified ratepayers voted ⁱⁿ in favor of passing such a by-law, and there is no other similar manufactory in the *said* town; and whereas the said corporation have also, by their petition, represented that a large number of men are employed in the *said* town in the saw and shingle mills, that the supply of suitable timber for saw and shingle mills is becoming scarce, and that it is necessary to encourage other manufactories which will use the other classes of timber still left on the waters tributary to the Town of Lindsay, so as to ensure the continuance of employment for the working men in the *said* town; and whereas the said corporation have, by their petition, prayed that the said by-law No. 818 may be legalized and approved and declared valid and binding, and that the said agreement with Messrs. Rider and Kitchener may be ratified and confirmed and declared valid and binding, and power given to them to pass all necessary by-laws to carry out the same; ⁴³and whereas there are no other by-laws in force at the present time in the said town providing for aid by way of bonus to any manufacturing industry; and whereas no opposition has been offered to the said petition; ⁴⁴and whereas the case of the Town of Lindsay is, for the reasons aforesaid, exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.
818 confirmed

1. That the said by-law No. 818, of the corporation of the Town of Lindsay, entitled "a by-law to authorize the loan of \$20,000.00 to Richard Sylvester upon mortgage, and to authorize the issue of debentures to raise said loan," and set out in schedule A to this Act, is hereby confirmed, and declared valid and binding on the corporation from the time of passing thereof, to all intents and purposes, and all acts done or to be done by the said corporation pursuant to the said by-law, are declared to be valid and binding on the corporation, anything in any Act to the contrary notwithstanding.

Agreement
confirmed

2. The said agreement between Messrs. Rider and Kitchener and the corporation of the Town of Lindsay, dated the 21st of January, 1899, set out in schedule B to this Act, is hereby

ratified and confirmed, and declared valid and binding on the parties in the same manner as if set out at length and incorporated in this Act, subject only to be determined as therein provided for, and the said corporation is hereby authorized and empowered to pass all necessary by-laws to carry out the said agreement. ⁴² Provided however that the assessment for school purposes and the rates payable therefor shall not be affected by the provisions of the said agreement in this Act. ⁴³

3. It shall be lawful for the municipal corporation of the Town of Lindsay to pass a by law creating a debt of \$2,000.00, and issuing debentures therefor payable in instalments in ten years, for the purpose of raising the money to carry out the said agreement with the said Rider and Kitchener, such by-law to comply with all the requirements of the *Municipal Act* in respect of by-laws creating debts, except that it shall not be necessary for the same to receive the consent of the electors, they having already expressed their approval of the passing of such a by-law.

Authority to
pass by-law
creating a
debt.
R.S.O. c. 223.

SCHEDULE A.

(Section 1.)

BY-LAW No. 818.

Being a by-law to authorize the loan of \$20,000.00 to Richard Sylvester upon mortgage and to authorize the issue of debentures to raise said loan.

Whereas it is desirable to loan to Richard Sylvester, of the Town of Lindsay, manufacturer of agricultural implements, the sum of \$20,000.00 to assist him in making some changes in his business, upon the security of a first mortgage upon his agricultural implement manufactory, and a policy of insurance upon his life for \$10,000.00 on the terms and conditions hereinafter mentioned.

And whereas for said purpose it is necessary to create a debt to the extent of \$20,000.00 and to issue debentures therefor in manner herein-after mentioned.

And whereas \$1,800.55 is the total amount required to be raised annually by special rate for the period of fifteen years for paying the said debt and interest thereon at 4 per cent. per annum in instalments according to the terms of this by law, so that the aggregate amount payable for principal and interest in each year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years for such period.

And whereas the amount of the whole rateable property of the Town of Lindsay according to the last revised assessment roll is \$1,925,575.00.

And whereas the amount of the existing debenture debt of the Town of Lindsay is \$193,809.40, and there is no part of the principal or interest of the said existing debt in arrear.

Therefore the municipal council of the corporation of the Town of Lindsay enact as follows :

1. That the sum of \$20,000.00 be loaned to Richard Sylvester of the Town of Lindsay, in the County of Victoria, manufacturer of agricultural implements, to assist him in making some changes in his business, upon the security of a first mortgage upon his agricultural implement manufactory, situated upon the corner of Kent street and Victoria avenue, in the Town of Lindsay, and a policy of insurance upon his life for \$10,000.00, the said sum, together with interest thereon at the rate of four per cent. per annum, to be repayable in fifteen annual instalments of \$1,800.55 each on the first day of February in each year, the first payment to be made on the first day of February, 1900, the said annual instalments of \$1,800.55, including both principal and interest; the said mortgage, policy of life insurance and assignment thereof, to be in such form and to contain such covenants, provisoes, stipulations and agreements as may be approved of and required by the mayor and town solicitor, and to provide for an insurance upon the buildings and machinery of at least \$15,000, and that the insurance policies shall be made in favor of or assigned to the town.

2. That for the purposes aforesaid it shall be lawful for the mayor of the Town of Lindsay, and he is hereby authorized and required to cause debentures of the said town to be made, executed and issued to the amount of \$20,000.00, payable in annual instalments on the fifteenth day of February in each year for fifteen years for the following amounts for the following years respectively: 1900, \$1,000; 1901, \$1,000; 1902, \$1,100; 1903, \$1,100; 1904, \$1,200; 1905, \$1,200; 1906, \$1,200; 1907, \$1,300; 1908, \$1,400; 1909, \$1,400; 1910, \$1,500; 1911, \$1,600; 1912, \$1,600; 1913, \$1,600; 1914, \$1,800.

3. The said debentures shall bear interest at the rate of four per cent. per annum, payable yearly on the fifteenth day of February in each year during the currency of the said debentures, and shall have coupons attached for the payment of interest, and the debentures and coupons shall be made payable at the office of the Town Treasurer.

4. There shall be raised and levied in each year for the payment of the said debt and interest and the debentures issued therefor the sum of \$1,800.55 during the currency of the said debt and debentures by a special rate sufficient therefor on all the rateable property in the municipality of the Town of Lindsay. Provided, however, that the moneys payable by the said Richard Sylvester under the said mortgage shall be applied in payment of the said debentures and coupons and it shall not be necessary to levy said rate in any year in which the said Sylvester has made his payment and the town has from that source sufficient money in hand to pay said debentures and coupons coming due that year, and if part is paid then it shall only be necessary to raise the balance by special rate.

5. The said debentures or proceeds thereof shall be paid or delivered to the said Richard Sylvester upon his giving the securities provided for by this by-law and paying all the costs, charges and expenses that the town may incur in connection with the by-law or the loan.

6. This by-law shall come into force and take effect upon the same being legalized and approved of by the Legislature of the Province of Ontario.

7. That the votes of all electors in the Town of Lindsay entitled to vote thereon shall be taken on this by-law on Monday the 24th day of October, A.D. 1898, from nine o'clock in the forenoon until five o'clock in the afternoon of the same day at the following places, and the following shall be the deputy-returning officers to take the votes at the respective places:

North Ward: No. 1. Council Chamber, returning officer Mr. Peter Nicolle; No. 2. Wm. Skitches shop, returning officer Mr. R. G. Corneil; No. 3. A. W. Parkin's office, returning officer Mr. Thomas McKibbin.

South Ward: No. 1. R. Ryans & Co. lumber officer, returning officer Mr. W. T. Robson; No. 2. L. O'Connor's carriage shop, returning officer Mr. A. A. J. Soanes; No. 3. H. Dennis' pump shop, returning officer Mr. Charles O'Leary.

East Ward : No. 1. Grozelle's Shoe Shop, returning officer Mr. Arch. Bradshaw ; No. 2. F. Frandell's office, returning officer Mr. John O'Reilly.

8. The twenty first day of October, A.D. 1898, at the Town Clerk's office in the Town of Lindsay, at ten o'clock in the forenoon is hereby fixed as the time and place for the appointment of persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively, on behalf of persons interested in and promoting or opposing this by-law respectively.

9. The twenty-fifth day of October, A.D. 1898, at the Town Clerk's office in the Town of Lindsay, at twelve o'clock noon, is hereby fixed as the time and place when the clerk of this council shall sum up the number of votes given for and against this by-law respectively.

(Sgd) R. SMYTHE,
Presiding officer in absence of Mayor.
(Sgd.) F. KNOWLSON,
Clerk.

Passed in Council this 7th day of November, A.D. 1898.

SCHEDULE B.

THIS INDENTURE dated this twenty-first day of January, in the year of our Lord one thousand eight hundred and ninety-nine, between Henry A. Rider and Andrew D. Kitchener, carrying on business at the Town of Brampton, under the name, style and firm of Rider & Ritchener, as manufacturers of veneer, excelsior, etc., hereinafter called the manufacturers, of the first part, and the corporation of the Town of Lindsay, hereinafter called the corporation, of the second part.

Whereas the said manufacturers have agreed to establish a veneer and excelsior factory in the Town of Lindsay, provided the corporation grant them a bonus of two thousand dollars, and fire protection, and exemption from taxation, which the corporation have agreed to do upon the terms hereinafter mentioned ; and whereas pursuant to the resolution of the council of the corporation of the Town of Lindsay, passed on the twenty-third day of December, 1898, the votes of the ratepayers entitled to vote upon a by-law authorizing the creation of a debt of two thousand dollars, and issuing debentures therefor, payable in ten years, was taken on the second day of January, 1899, upon the question whether they were for or against the passing of a by-law granting Messrs. Rider & Kitchener, of Brampton, a bonus of \$2,000.00 towards the purchase of a site and necessary conveniences for the erection of a veneer and excelsior factory in the Town of Lindsay, and granting fire protection and exemption from taxation upon their said factory and all plant, machinery, appliances and stock used in connection therewith, for a period of ten years, such exemption from taxation to be conditional upon their employing an average of at least twenty-five hands each year, and that they give a mortgage to the town upon their land, factory, buildings, plant and machinery for the amount of the said bonus, \$2,000.00, subject only to any first mortgage they may put thereon at any time during the ten years, not exceeding \$4,000, and that \$200.00 of said mortgage for \$2,000.00 be cancelled and receipted as paid each year that they carry out the terms of their contract until the amount is all wiped out, such \$2,000.00 bonus to be borrowed by the town on debentures extending over a period of ten years, all the terms and details of the whole transaction to be made satisfactory to the mayor and aldermen, when 618 votes were given for the passing of such a by-law and 131 votes against the same ; and whereas all the terms

and details of the agreement have been settled between the parties to the satisfaction of the mayor and aldermen of the Town of Lindsay, and the same are embodied in this agreement; and whereas the corporation have agreed to apply to the Legislative Assembly of the Province of Ontario for a special Act ratifying this agreement and giving the town council power to pass the necessary by-law or by-laws to carry the same.

Now this indenture witnesseth that the said parties hereby mutually covenant, promise and agree to and with each other as follows:—

1. The corporation agree to give and grant to the manufacturers a bonus of two thousand dollars towards the purchase of a site and necessary conveniences for the erection of a veneer and excelsior factory in the Town of Lindsay, and fire protection and exemption from taxation upon their said factory and all plant, machinery, appliances and stock used in connection therewith, for a period of ten years on the terms and conditions hereinafter mentioned, and that they will make an application to the Legislative Assembly for the Province of Ontario for a special Act ratifying this agreement and giving the town council power to pass the necessary by-law or by-laws to carry out the same.

2. The manufacturers agree to and with the corporation that in the event of the corporation obtaining said special Act of parliament, they, the manufacturers, will as soon as possible purchase in the Town of Lindsay a suitable site and proceed without delay and erect thereon all necessary buildings (to the value of at least twenty-five hundred dollars) suitable for a factory for the manufacture of veneer and excelsior and such other articles made from wood as will not come into competition with any other articles now manufactured in the Town of Lindsay, and put and place therein all necessary plant and machinery to the value of at least seven thousand dollars, and have the same in good running order and commence the manufacture of veneer and excelsior therein on or before the first day of January, 1900.

3. The manufacturers agree with the corporation that they will carry on the manufacture of veneer and excelsior in the Town of Lindsay in the said factory, or in any other buildings or factory substituted therefor, for the term of ten years from the first day of January, one thousand nine hundred, without interruption, unless in case of loss by fire, or in case of accident to machinery or motor power, or in case of stoppage for necessary repairs and alterations, or on account of strikes, or for any other necessary reason as shall render such interruption unavoidable, and in any such case operations shall be resumed as soon as possible thereafter, not exceeding eight months in case of loss by fire, and not exceeding four months in any other case, and in case any such interruption shall be for a longer period than two months in any year, the factory shall be continued and carried on after the said term of ten years for a period equal to the time of interruption over two months.

4. The manufacturers agree with the corporation that they will for and during the term of ten years from the first day of January, 1900, employ in the said Town of Lindsay, in and about the said manufactory and in connection with the factory business in the said Town of Lindsay, for at least ten months in each year, an average of twenty-five hands, each day of not less than nine hours, of whom eighteen shall be adults, that is, persons over the age of nineteen years, and pay to the hands so employed, exclusive of the manager and book-keeper, at least six thousand dollars in wages in each year; and they will furnish the corporation on or before the tenth day of January, in each year, with a statutory declaration of a member of the firm, or the manager thereof, or other persons having full knowledge of the facts, showing the names and number of hands employed, and whether adults or not, the time they were employed, and the amount paid for wages during the preceding year, ending on the first day of January; and they will, if required, once in each year exhibit their time-books and pay sheets to such person or persons as the corporation may designate, to enable such person or persons to ascertain whether this

agreement has been carried out or not. Nothing herein contained shall render it necessary for the manufacturers to employ the said number of hands during any stoppage or interruption of the business, as in the preceeding paragraph of this agreement mentioned.

5. The manufacturers agree with the corporation that they will give the corporation a mortgage for the sum of two thousand dollars the amount of said bonus, upon their land site, the factory and all buildings erected or to be erected thereon, and all appurtenances thereto, together with all plant, machinery and appliances which may at any time be brought or put thereon which are to be declared to be and form part of the freehold, such mortgage to be conditioned for the repayment of the said sum of two thousand dollars in ten equal annual instalments of two hundred dollars each on the first day of January in each year, the first whereof to become due on the first day of January, 1901, and for the due performance of all the covenants and agreements herein contained on the part of the manufacturers, and shall provide that for every year the manufacturers fulfil and carry out all the covenants and agreements herein contained in their part, they shall be entitled to a credit of two hundred dollars on said mortgage, but if for any two consecutive years they fail to carry out all the covenants and agreements herein contained on their part or any of them then the whole sum of two thousand dollars, or the balance thereof after deducting any amount to which they may be entitled to credit for, shall be at once due and payable, and the corporation shall be absolutely entitled to recover the same, and shall not be required to show that they have sustained that amount, or any damage, the intention being that the manufacturers shall only be entitled to the bonus as the same is earned yearly, and in the meantime it shall be considered as a loan, and in case of any interruption in carrying on the factory by reason of fire, or any of the causes in the third paragraph hereof mentioned, for longer than two months, they shall only be entitled to credit for a proportionate part for that year, and the balance stand over until the end of the term, when it may be earned on the same terms and conditions. The said mortgage shall be subject only to any first mortgage the manufacturers may put on at any time during said term of ten years, not exceeding four thousand dollars, with interest at six per cent. per annum, and shall be in the usual statutory form and contain an insurance clause providing for an insurance on the building, machinery and appliances of fifteen hundred dollars, if that amount can be obtained, over and above any insurance for the benefit of the first mortgagees and shall contain personal covenants on behalf of the manufacturers.

6. The corporation agrees to pay over to the manufacturers the said bonus upon the manufacturers performing their covenants and agreements contained in the second paragraph hereof, and executing and delivering to the corporation the mortgage provided for in clause five hereof. If, however, the manufacturers request them so to do, the corporation agrees, upon the manufacturers purchasing the site for the said factory and executing and delivering to the corporation the mortgage provided for in clause five hereof, to advance to the manufacturers fifty per cent. of the purchase price thereof, and to advance seventy-five per cent. of the value of the buildings fortnightly as the work progresses, not exceeding the amount of the said bonus, the amount of such advances to be determined by the mayor of the Town of Lindsay.

7. The manufacturers undertake and agree to purchase and locate the said factory upon a site within reach of the present fire hydrants and water mains of the waterworks in the Town of Lindsay, if at all possible, but if no such site is available, the corporation are to be consulted and agree to the site, and are to arrange for putting in a fire hydrant or fire hydrants within reach of such factory as shall be necessary to give protection, such agreement to be testified by resolution of the council duly passed. But if the parties cannot agree upon a site and location and number of fire hydrants, the corporation are to be at liberty to determine this agreement. It is also understood that the corporation do not by this agreement bind themselves to give any more fire protection than the other

ratepayers are entitled to, except the putting in of a fire hydrant or fire hydrants as above mentioned, if necessary, and are to be under no more liability than they are to the ordinary ratepayers of the town.

8. Provided the said manufacturers carry out their covenants and agreements contained in paragraph four hereof, the manufacturers' said site and factory and all plant, machinery, appliances and stock used in connection therewith shall be exempt from all municipal taxes, except school taxes, for a period of ten years, from the first day of January, 1900, and the school taxes shall also during said period, provided the legislature approves thereof, be paid upon a basis of an assessment of fifteen hundred dollars, all said property to be assessed each year in the usual way at the proper valuation thereof, and the council are each year, if the said covenants and agreements have been carried out, to give the necessary directions to the town treasurer to write off the taxes, and in case of any dispute as to whether the manufacturers are entitled to the exemption, the question may, in addition to all other methods of deciding the same, be determined in a summary manner by either of the county judges upon the application of either party.

9. That if any part of the manufacturers' said factory or lands, buildings, plant, machinery and appliances used in connection therewith are at any time used or occupied for any other purpose than a factory for the manufacture of veneer and excelsior and such other articles made from wood as will not come into competition with any other articles manufactured in the Town of Lindsay, such part shall be assessed separately and full taxes paid thereon.

10. That in the event of the corporation obtaining said special Act of Parliament, and the question of the site and fire protection having been settled or failed to be settled by reason of the default of the manufacturers in not selecting a site, and the manufacturers neglect or refuse to proceed and carry out their covenants and agreements contained in paragraph two hereof, the manufacturers shall pay to the corporation such reasonable costs, charges and expenses as they may have in any way been put to in submitting the said question to the ratepayers and in obtaining said special Act of Parliament.

11. Any joint stock company which may be incorporated and which may take over the manufacturers' factory and business, and any person or firm succeeding the said manufacturers, shall be entitled to the same privileges and exemptions as the said manufacturers are entitled to under this agreement, on the same terms and conditions.

12. In case the said special Act is not obtained, this agreement is to be at an end.

13. If the manufacturers during the said term of ten years remove their factory and business to another site in the Town of Lindsay, they shall be entitled to the same exemptions thereon in case the substituted site and the buildings erected thereon and plant and machinery placed therein comply with the terms of paragraph two hereof, and the site from which they remove shall then be liable to taxation in the ordinary way.

In witness whereof the mayor of the said the corporation of the Town of Lindsay has hereunto set his hand and affixed the corporate seal and the said parties of the first part have hereunto set their hands and seals.

Signed, sealed and delivered
in the presence of

H. A. RIDER.

{ Seal }

D. URQUHART,
As to Signature of
H. A. RIDER.

A. D. KITCHENER.

{ Seal }

H. W. RIDER,
As to Signature of
A. D. KITCHENER.

THOS. WALTERS,
Mayor.

{ Corporate Seal
of the Town
of Lindsay. }

F. KNOWLSON,
Town Clerk.

No. 53.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Town of Lindsay.

First Reading, 15th February, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

Mr. FOX.

TORONTO

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty

No. 53.]

BILL.

[1899.

An Act respecting the Town of Lindsay.

WHEREAS the *municipal* corporation of the Town of Lindsay has by petition, represented that the *said corporation* has passed a by-law No. 818, entitled "a by-law to authorize the loan of \$20,000 to Richard Sylvester, upon mortgage, and to authorize the issue of debentures to raise said loan," which said by-law is set forth in full in schedule A hereto, and the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws, as provided for by *The Municipal Act*, when ~~the~~ two-thirds of the said ratepayers voted in favor thereof ~~and~~ that the said Richard Sylvester carries on a large business in the Town of Lindsay as a manufacturer of agricultural implements, under the name, style and firm of Sylvester Bros. Manufacturing Company, and employs about one hundred hands, a large part of the output of his factory *being* sold in the province of Manitoba; ~~and~~ and whereas it appears that ~~the~~ the said Sylvester has never received any assistance from the town by way of bonus or loan, and there is no other similar manufactory in the town; and whereas *it is urged that* it is necessary for him to obtain the said loan so as to enable him to enlarge and remodel his factory and to continue to employ said number of men, and *that* it would be very detrimental to the town if the number of hands were reduced, as there is no other work in the town at which they could obtain employment; and whereas the said corporation has *also* by the *said* petition, shewn that Messrs. Rider and Kitchener have agreed to establish a veneer and excelsior factory in the Town of Lindsay, and employ an average of twenty-

Preamble.

five hands each year, providing the *corporation* grants them a bonus of \$2,000 towards the purchase of a site and necessary conveniences, and grants them fire protection and exemption from taxation for a period of ten years, and that they have entered into an agreement for that purpose, dated 21st of January 1899, which is set forth in full in schedule B hereto; and *whereas* the question of passing a by-law for said purposes was submitted to a vote of the ratepayers entitled to vote thereon at the last municipal elections, when ~~as~~ over two-thirds of the qualified ratepayers voted ~~in~~ in favor of passing such a by-law; and ~~as~~ *whereas* it appears that ~~as~~ there is no other similar manufactory in the *said* town; and *whereas* the said corporation has also, by the *said* petition, represented that a large number of men are employed in the *said* town in the saw and shingle mills, that the supply of suitable timber for saw and shingle mills is becoming scarce, and that it is necessary to encourage other manufactories which will use the other classes of timber still left on the waters tributary to the Town of Lindsay, so as to ensure the continuance of employment for the working men in the *said* town; and *whereas* the said corporation has, by the *said* petition, prayed that the said by-law No. 818 may be legalized and approved and declared valid and binding, and that the said agreement with Messrs. Rider and Kitchener may be ratified and confirmed and declared valid and binding, and power given to them to pass all necessary by-laws to carry out the same; ~~as~~ and *whereas* it has been shown that there are no other by-laws in force at the present time in the said town providing for aid by way of bonus to any manufacturing industry; and *whereas* no opposition has been offered to the said petition; ~~as~~ and *whereas* the case of the Town of Lindsay is, for the reasons aforesaid, exceptional; and *whereas* it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 818 confirmed. **1.** That the said by-law No. 818, of the corporation of the Town of Lindsay, entitled "a by-law to authorize the loan of \$20,000 to Richard Sylvester upon mortgage, and to authorize the issue of debentures to raise said loan," and set out in schedule A to this Act, is hereby confirmed, and declared valid and binding on the corporation from the time of passing thereof, to all intents and purposes, and all acts done or to be done by the said corporation pursuant to the said by-law, are declared to be valid and binding on the corporation, anything in any Act to the contrary notwithstanding.

Agreement confirmed. **2.** The said agreement between Messrs. Rider and Kitchener and the corporation of the Town of Lindsay, dated the 21st of January, 1899, set out in schedule B to this Act, is hereby

ratified and confirmed, and declared valid and binding on the parties in the same manner as if set out at length and incorporated in this Act, subject only to be determined as therein provided for, and the said corporation is hereby authorized and empowered to pass all necessary by-laws to carry out the said agreement. ^{and} Provided however that the assessment for school purposes and the rates payable therefor shall not be affected by the provisions of the said agreement in this Act. ~~and~~

3. It shall be lawful for the municipal corporation of the Town of Lindsay to pass a by-law creating a debt of \$2,000 and issuing debentures therefor payable in *equal* instalments in ten years, for the purpose of raising the money to carry out the said agreement with the said Rider and Kitchener, such by-law to comply with all the requirements of the *Municipal Act* in respect of by-laws creating debts, except that it shall not be necessary for the same to receive the assent of the electors, they having already expressed their approval of the passing of such a by-law.

Authority to
pass by-law
creating a
debt.
R.S.O. c. 223.

SCHEDULE A.

(Section 1.)

BY-LAW No. 818.

Being a by-law to authorize the loan of \$20,000.00 to Richard Sylvester upon mortgage and to authorize the issue of debentures to raise said loan.

Whereas it is desirable to loan to Richard Sylvester, of the Town of Lindsay, manufacturer of agricultural implements, the sum of \$20,000.00 to assist him in making some changes in his business, upon the security of a first mortgage upon his agricultural implement manufactory, and a policy of insurance upon his life for \$10,000.00 on the terms and conditions hereinafter mentioned.

And whereas for said purpose it is necessary to create a debt to the extent of \$20,000.00 and to issue debentures therefor in manner herein-after mentioned.

And whereas \$1,800.55 is the total amount required to be raised annually by special rate for the period of fifteen years for paying the said debt and interest thereon at 4 per cent. per annum in instalments according to the terms of this by-law, so that the aggregate amount payable for principal and interest in each year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years for such period.

And whereas the amount of the whole rateable property of the Town of Lindsay according to the last revised assessment roll is \$1,925,575.00.

And whereas the amount of the existing debenture debt of the Town of Lindsay is \$193,809.40, and there is no part of the principal or interest of the said existing debt in arrear.

Therefore the municipal council of the corporation of the Town of Lindsay enact as follows :

1. That the sum of \$20,000.00 be loaned to Richard Sylvester of the Town of Lindsay, in the County of Victoria, manufacturer of agricultural implements, to assist him in making some changes in his business, upon the security of a first mortgage upon his agricultural implement manufactory, situated upon the corner of Kent street and Victoria avenue, in the Town of Lindsay, and a policy of insurance upon his life for \$10,000.00, the said sum, together with interest thereon at the rate of four per cent. per annum, to be repayable in fifteen annual instalments of \$1,800.55 each on the first day of February in each year, the first payment to be made on the first day of February, 1900, the said annual instalments of \$1,800.55, including both principal and interest; the said mortgage, policy of life insurance and assignment thereof, to be in such form and to contain such covenants, provisos, stipulations and agreements as may be approved of and required by the mayor and town solicitor, and to provide for an insurance upon the buildings and machinery of at least \$15,000, and that the insurance policies shall be made in favor of or assigned to the town.

2. That for the purposes aforesaid it shall be lawful for the mayor of the Town of Lindsay, and he is hereby authorized and required to cause debentures of the said town to be made, executed and issued to the amount of \$20,000.00, payable in annual instalments on the fifteenth day of February in each year for fifteen years for the following amounts for the following years respectively: 1900, \$1,000; 1901, \$1,000; 1902, \$1,100; 1903, \$1,100; 1904, \$1,200; 1905, \$1,200; 1906, \$1,200; 1907, \$1,300; 1908, \$1,400; 1909, \$1,400; 1910, \$1,500; 1911, \$1,600; 1912, \$1,600; 1913, \$1,600; 1914, \$1,800.

3. The said debentures shall bear interest at the rate of four per cent. per annum, payable yearly on the fifteenth day of February in each year during the currency of the said debentures, and shall have coupons attached for the payment of interest, and the debentures and coupons shall be made payable at the office of the Town Treasurer.

4. There shall be raised and levied in each year for the payment of the said debt and interest and the debentures issued therefor the sum of \$1,800.55 during the currency of the said debt and debentures by a special rate sufficient therefor on all the rateable property in the municipality of the Town of Lindsay. Provided, however, that the moneys payable by the said Richard Sylvester under the said mortgage shall be applied in payment of the said debentures and coupons and it shall not be necessary to levy said rate in any year in which the said Sylvester has made his payment and the town has from that source sufficient money in hand to pay said debentures and coupons coming due that year, and if part is paid then it shall only be necessary to raise the balance by special rate.

5. The said debentures or proceeds thereof shall be paid or delivered to the said Richard Sylvester upon his giving the securities provided for by this by-law and paying all the costs, charges and expenses that the town may incur in connection with the by-law or the loan.

6. This by-law shall come into force and take effect upon the same being legalized and approved of by the Legislature of the Province of Ontario.

7. That the votes of all electors in the Town of Lindsay entitled to vote thereon shall be taken on this by-law on Monday the 24th day of October, A.D. 1898, from nine o'clock in the forenoon until five o'clock in the afternoon of the same day at the following places, and the following shall be the deputy-returning officers to take the votes at the respective places:

North Ward: No. 1. Council Chamber, returning officer Mr. Peter Nicolle; No. 2. Wm. Skitches shop, returning officer Mr. R. G. Corneil; No. 3. A. W. Parkin's office, returning officer Mr. Thomas McKibbin.

South Ward: No. 1. R. Ryans & Co. lumber officer, returning officer Mr. W. T. Robson; No. 2. L. O'Connor's carriage shop, returning officer Mr. A. A. J. Soanes; No. 3. H. Dennis' pump shop, returning officer Mr. Charles O'Leary.

East Ward : No. 1. Grozelle's Shoe Shop, returning officer Mr. Arch. Bradshaw ; No. 2. F. Frandell's office, returning officer Mr. John O'Reilly.

8. The twenty first day of October, A.D. 1898, at the Town Clerk's office in the Town of Lindsay, at ten o'clock in the forenoon is hereby fixed as the time and place for the appointment of persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively, on behalf of persons interested in and promoting or opposing this by-law respectively.

9. The twenty fifth day of October, A.D. 1898, at the Town Clerk's office in the Town of Lindsay, at twelve o'clock noon, is hereby fixed as the time and place when the clerk of this council shall sum up the number of votes given for and against this by-law respectively.

(Sgd) R. SMYTHE,
Presiding officer in absence of Mayor.
(Sgd.) F. KNOWLSON,
Clerk.

Passed in Council this 7th day of November, A.D. 1898.

SCHEDULE B.

THIS INDENTURE dated this twenty-first day of January, in the year of our Lord one thousand eight hundred and ninety-nine, between Henry A. Rider and Andrew D. Kitchener, carrying on business at the Town of Brampton, under the name, style and firm of Rider & Ritchener, as manufacturers of veneer, excelsior, etc., hereinafter called the manufacturers, of the first part, and the corporation of the Town of Lindsay, hereinafter called the corporation, of the second part.

Whereas the said manufacturers have agreed to establish a veneer and excelsior factory in the Town of Lindsay, provided the corporation grant them a bonus of two thousand dollars, and fire protection, and exemption from taxation, which the corporation have agreed to do upon the terms hereinafter mentioned ; and whereas pursuant to the resolution of the council of the corporation of the Town of Lindsay, passed on the twenty-third day of December, 1898, the votes of the ratepayers entitled to vote upon a by-law authorizing the creation of a debt of two thousand dollars, and issuing debentures therefor, payable in ten years, was taken on the second day of January, 1899, upon the question whether they were for or against the passing of a by-law granting Messrs. Rider & Kitchener, of Brampton, a bonus of \$2,000.00 towards the purchase of a site and necessary conveniences for the erection of a veneer and excelsior factory in the Town of Lindsay, and granting fire protection and exemption from taxation upon their said factory and all plant, machinery, appliances and stock used in connection therewith, for a period of ten years, such exemption from taxation to be conditional upon their employing an average of at least twenty-five hands each year, and that they give a mortgage to the town upon their land, factory, buildings, plant and machinery for the amount of the said bonus, \$2,000.00, subject only to any first mortgage they may put thereon at any time during the ten years, not exceeding \$4,000, and that \$200.00 of said mortgage for \$2,000.00 be cancelled and receipted as paid each year that they carry out the terms of their contract until the amount is all wiped out, such \$2,000.00 bonus to be borrowed by the town on debentures extending over a period of ten years, all the terms and details of the whole transaction to be made satisfactory to the mayor and aldermen, when 618 votes were given for the passing of such a by-law and 131 votes against the same ; and whereas all the terms

and details of the agreement have been settled between the parties to the same, to-wit: the Corporation of the Town of Lindsay, and the same are embodied in this agreement; and whereas the corporation have agreed to apply to the Legislative Assembly of the Province of Ontario for a special Act ratifying this agreement and giving the town council power to pass the necessary by-law or by-laws to carry the same.

Now this indenture witnesseth that the said parties hereby mutually covenant, promise and agree to and with each other as follows:—

1. The corporation agree to give and grant to the manufacturers a bonus of two thousand dollars towards the purchase of a site and necessary conveniences for the erection of a veneer and excelsior factory in the Town of Lindsay, and fire protection and exemption from taxation upon their said factory and all plant, machinery, appliances and stock used in connection therewith, for a period of ten years on the terms and conditions hereinafter mentioned, and that they will make an application to the Legislative Assembly for the Province of Ontario for a special Act ratifying this agreement and giving the town council power to pass the necessary by-law or by-laws to carry out the same.

2. The manufacturers agree to and with the corporation that in the event of the corporation obtaining said special Act of parliament, they, the manufacturers, will as soon as possible purchase in the Town of Lindsay a suitable site and proceed without delay and erect thereon all necessary buildings (to the value of at least twenty-five hundred dollars) suitable for a factory for the manufacture of veneer and excelsior and such other articles made from wood as will not come into competition with any other articles now manufactured in the Town of Lindsay, and put and place therein all necessary plant and machinery to the value of at least seven thousand dollars, and have the same in good running order and commence the manufacture of veneer and excelsior therein on or before the first day of January, 1900.

3. The manufacturers agree with the corporation that they will carry on the manufacture of veneer and excelsior in the Town of Lindsay in the said factory, or in any other buildings or factory substituted therefor, for the term of ten years from the first day of January, one thousand nine hundred, without interruption, unless in case of loss by fire, or in case of accident to machinery or motor power, or in case of stoppage for necessary repairs and alterations, or on account of strikes, or for any other necessary reason as shall render such interruption unavoidable, and in any such case operations shall be resumed as soon as possible thereafter, not exceeding eight months in case of loss by fire, and not exceeding four months in any other case, and in case any such interruption shall be for a longer period than two months in any year, the factory shall be continued and carried on after the said term of ten years for a period equal to the time of interruption over two months.

4. The manufacturers agree with the corporation that they will for and during the term of ten years from the first day of January, 1900, employ in the said Town of Lindsay, in and about the said manufactory and in connection with the factory business in the said Town of Lindsay, for at least ten months in each year, an average of twenty-five hands, each day of not less than nine hours, of whom eighteen shall be adults, that is, persons over the age of nineteen years, and pay to the hands so employed, exclusive of the manager and book-keeper, at least six thousand dollars in wages in each year; and they will furnish the corporation on or before the tenth day of January, in each year, with a statutory declaration of a member of the firm, or the manager thereof, or other persons having full knowledge of the facts, showing the names and number of hands employed, and whether adults or not, the time they were employed, and the amount paid for wages during the preceding year, ending on the first day of January; and they will, if required, once in each year exhibit their time-books and pay sheets to such person or persons as the corporation may designate, to enable such person or persons to ascertain whether this

agreement has been carried out or not. Nothing herein contained shall render it necessary for the manufacturers to employ the said number of hands during any stoppage or interruption of the business, as in the preceeding paragraph of this agreement mentioned.

5. The manufacturers agree with the corporation that they will give the corporation a mortgage for the sum of two thousand dollars, the amount of said bonus, upon their land site, the factory and all buildings erected or to be erected thereon, and all appurtenances thereto, together with all plant, machinery and appliances which may at any time be brought or put thereon which are to be declared to be and form part of the freehold, such mortgage to be conditioned for the repayment of the said sum of two thousand dollars in ten equal annual instalments of two hundred dollars each on the first day of January in each year, the first whereof to become due on the first day of January, 1901, and for the due performance of all the covenants and agreements herein contained on the part of the manufacturers, and shall provide that for every year the manufacturers fulfil and carry out all the covenants and agreements herein contained in their part, they shall be entitled to a credit of two hundred dollars on said mortgage, but if for any two consecutive years they fail to carry out all the covenants and agreements herein contained on their part or any of them then the whole sum of two thousand dollars, or the balance thereof after deducting any amount to which they may be entitled to credit for, shall be at once due and payable, and the corporation shall be absolutely entitled to recover the same, and shall not be required to show that they have sustained that amount, or any damage, the intention being that the manufacturers shall only be entitled to the bonus as the same is earned yearly, and in the meantime it shall be considered as a loan, and in case of any interruption in carrying on the factory by reason of fire, or any of the causes in the third paragraph hereof mentioned, for longer than two months, they shall only be entitled to credit for a proportionate part for that year, and the balance stand over until the end of the term, when it may be earned on the same terms and conditions. The said mortgage shall be subject only to any first mortgage the manufacturers may put on at any time during said term of ten years, not exceeding four thousand dollars with interest at six per cent. per annum, and shall be in the usual statutory form and contain an insurance clause providing for an insurance on the building, machinery and appliances of fifteen hundred dollars, if that amount can be obtained, over and above any insurance for the benefit of the first mortgagees and shall contain personal covenants on behalf of the manufacturers.

6. The corporation agrees to pay over to the manufacturers the said bonus upon the manufacturers performing their covenants and agreements contained in the second paragraph hereof, and executing and delivering to the corporation the mortgage provided for in clause five hereof. If, however, the manufacturers request them so to do, the corporation agrees, upon the manufacturers purchasing the site for the said factory and executing and delivering to the corporation the mortgage provided for in clause five hereof, to advance to the manufacturers fifty per cent. of the purchase price thereof, and to advance seventy-five per cent. of the value of the buildings fortnightly as the work progresses, not exceeding the amount of the said bonus, the amount of such advances to be determined by the mayor of the Town of Lindsay.

7. The manufacturers undertake and agree to purchase and locate the said factory upon a site within reach of the present fire hydrants and water mains of the waterworks in the Town of Lindsay, if at all possible, but if no such site is available, the corporation are to be consulted and agree to the site, and are to arrange for putting in a fire hydrant or fire hydrants within reach of such factory as shall be necessary to give protection, such agreement to be testified by resolution of the council duly passed. But if the parties cannot agree upon a site and location and number of fire hydrants, the corporation are to be at liberty to determine this agreement. It is also understood that the corporation do not by this agreement bind themselves to give any more fire protection than the other

ratepayers are entitled to, except the putting in of a fire hydrant or fire hydrants as above mentioned, if necessary, and are to be under no more liability than they are to the ordinary ratepayers of the town.

8. Provided the said manufacturers carry out their covenants and agreements contained in paragraph four hereof, the manufacturers' said site and factory and all plant, machinery, appliances and stock used in connection therewith shall be exempt from all municipal taxes, except school taxes, for a period of ten years, from the first day of January, 1900, and the school taxes shall also during said period, provided the legislature approves thereof, be paid upon a basis of an assessment of fifteen hundred dollars, all said property to be assessed each year in the usual way at the proper valuation thereof, and the council are each year, if the said covenants and agreements have been carried out, to give the necessary directions to the town treasurer to write off the taxes, and in case of any dispute as to whether the manufacturers are entitled to the exemption, the question may, in addition to all other methods of deciding the same, be determined in a summary manner by either of the county judges upon the application of either party.

9. That if any part of the manufacturers' said factory or lands, buildings, plant, machinery and appliances used in connection therewith are at any time used or occupied for any other purpose than a factory for the manufacture of veneer and excelsior and such other articles made from wood as will not come into competition with any other articles manufactured in the Town of Lindsay, such part shall be assessed separately and full taxes paid thereon.

10. That in the event of the corporation obtaining said special Act of Parliament, and the question of the site and fire protection having been settled or failed to be settled by reason of the default of the manufacturers in not selecting a site, and the manufacturers neglect or refuse to proceed and carry out their covenants and agreements contained in paragraph two hereof, the manufacturers shall pay to the corporation such reasonable costs, charges and expenses as they may have in any way been put to in submitting the said question to the ratepayers and in obtaining said special Act of Parliament.

11. Any joint stock company which may be incorporated and which may take over the manufacturers' factory and business, and any person or firm succeeding the said manufacturers, shall be entitled to the same privileges and exemptions as the said manufacturers are entitled to under this agreement, on the same terms and conditions.

12. In case the said special Act is not obtained, this agreement is to be at an end.

13. If the manufacturers during the said term of ten years remove their factory and business to another site in the Town of Lindsay, they shall be entitled to the same exemptions thereon in case the substituted site and the buildings erected thereon and plant and machinery placed therein comply with the terms of paragraph two hereof, and the site from which they remove shall then be liable to taxation in the ordinary way.

In witness whereof the mayor of the said the corporation of the Town of Lindsay has hereunto set his hand and affixed the corporate seal and the said parties of the first part have hereunto set their hands and seals.

Signed, sealed and delivered
in the presence of

H. A. RIDER.

{ Seal }

D. URQUHART,
As to Signature of
H. A. RIDER.

A. D. KITCHENER.

{ Seal }

H. W. RIDER,
As to Signature of
A. D. KITCHENER.

THOS. WALTERS,
Mayor.

F. KNOWLSON,
Town Clerk.

{ Corporate Seal
of the Town
of Lindsay. }

No. 53.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Town of Lindsay.

First Reading, 15th February, 1899.
Second Reading, 17th March, 1899.

*(Reprinted as amended by Committee of
the Whole.)*

MR. FOX.

TORONTO

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty

An Act Respecting the Town of Smith's Falls.

WHEREAS the municipal council of the Town of Smith's Falls have by their petition represented that it has incurred debts and liabilities for various purposes for which debentures have from time to time been issued and are now
5 outstanding to the extent of \$57,025 exclusive of interest; and whereas the said corporation have further represented that none of said debenture debts is in arrears, and that in addition to the above there is a floating debt of \$4,000, and further represented that in addition to said floating debt it
10 has been found absolutely necessary for the said council this year to expend the sum of \$1,100 for the purchase of hose for fire engine, and there has been recovered a judgment against said town for \$1,250 and costs, in all \$1,700, for damages caused by defective sidewalk, for the payment of which two
15 last mentioned sums no provision has been made; and whereas the said corporation have further represented that it is expedient that the said corporation shall be enabled to consolidate its said indebtedness, and to effect a loan to pay off the same, at lower rates of interest than apply to the existing
20 debts or any of them, and spread over a period sufficiently long to enable said corporation to pay the same while at same time meeting its other obligations, without an undue rate of taxation; and whereas it further appears by said petition that the High School of said town no longer satisfies the requirements
25 of the Education Department, and owing to the rapid growth of said town further school accommodation is imperatively necessary; and whereas the corporation of said town have

further represented by their said petition that they have been compelled to open many new streets in different directions, and to build many miles of sidewalk, but have not been able to maintain proper roadways thereon and it is expedient that they, in order to maintain said streets in proper condition and repair, should construct permanent streets and roadways, purchase the necessary appliances therefor, and also construct granolithic or other permanent sidewalks, and pay the town's share of the cost of local improvements; and whereas the said corporation has further represented that it is imperative that it should within the next two years in the interest and for the protection of said town and for the health and comfort of its people expend a considerable sum of money in the purchase of additional fire apparatus and appliances, in improvements to the fire hall, the construction and extension of sewers and laying of water pipes, the purchase and improvement of land for park, recreation and hospital purposes and other like permanent improvements; and whereas the said corporation has further represented that to meet the financial obligations caused by the said debenture debt and building of schools and at the same time construct the said permanent roadways and sidewalks, and perform the other necessary obligations as set out above, within the usual period, would cause the same to be unduly oppressive to the rate-payers of the said town; and whereas it is expedient that the corporation should be enabled to borrow money therefor and issue debentures at dates extending over forty years therefor; and whereas the corporation of the said town has further represented that in the event of a bonus being granted for any purpose within the jurisdiction of the municipality, by a vote of the ratepayers of said town, although the granting of such a bonus for such a purpose would otherwise greatly benefit said town, it would add very much to the difficulties of its administration, to make the same payable within twenty years; and whereas the said corporation has further represented that it is expedient that in that event any debentures so issued therefor should extend over forty years instead of the period limited by *The Municipal Act*; and whereas the corporation of said town further represented that it desires to encourage the construction of granolithic, stone and other permanent sidewalks in the streets of said town, also sewers and other works, as local improvements, by providing from the general funds of the municipality, or contracting a loan therefor, a part of the cost of the construction of such sidewalks falling on the property benefited; and whereas it is desirable that such permission should be given; and whereas the corporation of said town has further represented that there is lying within its limits and in those parts, where, on account of buildings, and of municipal improvements it is increasing in value, various parcels of vacant land held by the owners at high prices which said land under the interpretation of existing laws are not assessed at an amount which would cause them to pay an

equitable share of the taxes of said town; and whereas it is expedient, that said lands should bear their fair share of taxation, and the said municipal council has by its petition prayed for the passing of an Act for the purposes aforesaid; and
 5 whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 1. The said debts of the said Town of Smith's Falls, consisting of the aforesaid debenture debt of \$57,025, the floating debt of \$4,000 and the sum of \$2,800 expended in new fire hose and the payment of the said judgment, are hereby consolidated at the sum of \$63,825, and that it shall be lawful for
 15 the corporation of the said Town of Smith's Falls to raise by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons or body corporate, a sufficient sum, or sufficient sums to purchase the said debentures or any of them or to re-
 20 tire same as they respectively become due, and to pay off the other said debts, not exceeding in the whole the said sum of \$63,825, exclusive of interest thereon; and the said corporation may, after the redemption or purchase of the original debentures, repeal the by-laws under which they were issued,
 25 so far as regards the levying of rates imposed thereby, for the redemption of the said original debentures and the payment of interest thereon.

Debts consolidated at \$63,825.

2. It shall be lawful for the said corporation of the Town of Smith's Falls from time to time to pass a by-law or by-laws
 30 providing for the issue of debentures under its corporate seal, signed by the mayor and countersigned by the treasurer, for the time being of the said town, in such sums of not less than \$100 each and not exceeding in the whole the sum of \$63,825 as the said corporation may, from time to time direct, and the
 35 principal sum secured by said debentures, and the interest accruing thereon, may be made payable at such place or places as the said corporation may deem expedient and may be expressed in sterling money of Great Britain or currency of Canada.

Issue of debentures authorized.

40 3. The said corporation may, if it shall deem it expedient so to do, from time to time borrow on the security of the said debentures, in the Dominion of Canada, Great Britain or elsewhere, such sums as it may require, for the purpose of purchasing, paying off or redeeming the debentures in section one
 45 of this Act mentioned, or any of them, and the said floating and other indebtedness and may hypothecate or pledge, the said debentures, or any of them, as security for the moneys so borrowed when, and upon such rate of interest, as to the said cor-

Power to raise money on debentures.

poration shall seem meet, and may sell or dispose of the said debentures or any of them, from time to time as they deem expedient.

Payment of
debentures
and interest.

4. The said debentures shall be payable in not more than forty years from the issue thereof as the said corporation may direct. Coupons may be attached to the said debentures for the payment of the interest thereon at such rate not exceeding 4 per cent. per annum, as the said corporation may deem meet, and such interest may be made payable yearly, or half yearly, at the places mentioned therein and in the coupons attached thereto. 5 10

Payment of
debt in equal
annual
instalments.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year after the by-law or by-laws for a period not exceeding forty years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year under any by-law shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged. 15

Special rate.

6. It shall be lawful for the said corporation to levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for the principal and interest in respect of the debentures authorized to be issued under the preceding sections of this Act to be called "The Consolidated Debt Debentures," and it shall not be necessary to levy for, or to provide, any sinking fund to retire the said debentures or any of them. 20 25

Application
of proceeds of
debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the purchase redemption or payment of the debentures, floating indebtedness and other indebtedness mentioned or referred to in section one of this Act, and may also be applied in the payment of all charges and expenses of and incidental thereto including the preparation and passing of this Act and the preparation and passing of any by-laws submitted to electors for raising monies under this Act. 30 35

Payment of
outstanding
debentures.

8. The said corporation may arrange with the holders or any of them, for the purchase of the said outstanding debentures, or any of them, or may, but only with the consent of the holders thereof, call in any one or more of the said outstanding debentures, and shall discharge the same with the funds raised as aforesaid under the authority of this Act, or may, with the like consent, whether the time fixed for payment of them shall have arrived or not, substitute therefor the said debentures or any of them authorized as aforesaid to be issued under this Act at such price and upon such terms and conditions, as may be agreed between the said corporation and the said holders of the said outstanding debenture. 40 45

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

By-laws not to be repealed until debts paid.

10. It shall be lawful for the said corporation, notwithstanding anything to the contrary contained in *The Public School Act* and *The High School Act*, on any and all applications of the Board of Education for the Town of Smith's Falls made in accordance with the provisions of said Acts, or either of them, within two years from the passing of this Act, for money for school purposes, to issue debentures for any loan of money for such purposes for such term of years not exceeding forty as the municipal council may think fit, in all such cases as under said Acts, or either of them, the said council now have authority to issue like debentures for a term of years not exceeding thirty, except that during the said period of two years, the cost of all permanent improvements to any of the schools of said town including therein sewerage and water supply, may be included in moneys for which said forty years debentures may be issued as aforesaid.

School debentures. R. S. O. c. 292. R. S. O. c. 293.

11. It shall be lawful for the said corporation, notwithstanding anything to the contrary contained in *The Municipal Act*, to raise at any time within two years from the passing of this Act, by way of loan on the credit of the debentures hereinafter mentioned in section 12, such sum or sums not exceeding in the aggregate the sum of \$50,000.00, exclusive of interest, as shall be required by said corporation during said two years for the purpose of paying for the cost of any or all of the following matters, namely: Permanent improvements to the streets and roadways of said town, including the widening of certain streets, a steam road roller, stone crusher and engine, road grader, the construction of granolithic, stone, brick, and other permanent sidewalks and crossings in the streets of the said town, the said town's share of the cost of local improvement works and services, additional fire apparatus and appliances, and permanent improvements to fire hall, the construction of sewers, the laying of water pipes, the purchase, improvement and management of land for park, recreation and hospital purposes, including necessary buildings thereon and repairs to said buildings, and for such other permanent improvements to said town as its council may deem necessary.

Permanent improvement debentures.

12. It shall be lawful for the said corporation of the said town of Smith's Falls from time to time to pass a by-law or by-laws, but within two years from the passing of this Act, providing for the issue of the debentures referred to in the preceding paragraph, and for the purposes therein mentioned, payable in not more than forty years from the issue thereof, as the said corporation may direct, said debentures otherwise to conform to all the requirements of *The Municipal Act*, except as otherwise in this Act provided.

Debentures authorized.

R. S. O. c. 223.

Town authorized to pay $\frac{1}{2}$ of local improvements.

R. S. O.
c. 223

Assessment of vacant and farm lands.

R. S. O.
c. 224.

Assent of electors not required

R. S. O.
c. 223.

Bonus debentures to be for forty years.

R. S. O.
c. 223.

13. It shall be lawful for the council of the said corporation to provide by by-law, from the general funds of the municipality, or to raise by way of loan on the credit of the debentures of the municipality, a part not exceeding one-third of that part of the cost of the construction of any and all works as local improvements falling on the property benefited, in addition to the part of such cost to be provided by the municipality, and to add said one-third or less part to the said part of the cost of the construction of said works to be provided by the municipality, and to issue from time to time debentures for the amount thus obtained, the remainder of that part of the cost of constructing the said works falling on the property benefited, after making the deduction as aforesaid, shall be assessed for and dealt with in the usual way, as provided for in *The Municipal Act* as to assessments for local improvements.

14. Subsection 1, of section 8, and section 29 of *The Assessment Act*, shall not apply to any real property within the said town of Smith's Falls, and no such property within said town shall be entitled to the benefits of said subsection 1 and section 8, but shall be assessed as if said sections were not in said *Assessment Act*, except that the council of the said corporation may, in their discretion, from time to time pass a by-law or by-laws declaring that certain lands in the outskirts, but within the limits of the said corporation, which are *bona fide* held and used as farm lands, and not readily saleable at a fair valuation for building lands, shall be assessed as farm lands, as specified in said section 8, provided, however, that under no circumstances can any lands be included in any of said by-laws, which would not have been assessed as farm lands under said section 8, if this Act had not been passed.

15. It shall not be necessary to obtain the assent of the electors or ratepayers of the said Town of Smith's Falls to the passing of any by-law or by-laws which shall be passed under the provisions of any of the preceding sections of this Act or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

16. Where, by any Act of this Province it is lawful for the said corporation to grant aid by way of loan or bonus to any person or persons, company, corporation, business or enterprise, and to issue debentures for any such loan or bonus, (after the assent of a majority of the qualified ratepayers to the by-law or by-laws for said purposes has been obtained, in the manner provided by *The Municipal Act*) but payable within a period of less than forty years from the date of their issue, the said corporation is hereby authorized and empowered to issue said debentures payable in not more than forty years from the issue thereof as the said corporation may direct, said debentures otherwise to conform to all the requirements of *The Municipal Act*.

17. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the
 5 said corporation under the provisions of this Act; and no irregularity in the form of the said debentures, or any of them, authorized to be issued by this Act, or any by-law or by laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought
 10 against the said Corporation for the recovery of the amount of the said debentures and interest thereon, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to the appli-
 15 cation of the proceeds thereof.

Inconsistent
enactments
not to apply.

Informalities
not to invali-
date debentures.

18. This Act may be cited as *The Smith's Falls Act, 1899*. Short title.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Town of Smith's
Falls.

First Reading, _____, 1899.

(Private Bill.)

Mr. MATHESON.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the Queen's Most Excellent Majesty.

No. 54.]

BILL.

[1899.

An Act respecting the Town of Smith's Falls.

WHEREAS the municipal council of the Town of Smith's Falls have by their petition represented that it has incurred debts and liabilities for various purposes for which debentures have from time to time been issued and are now outstanding to the extent of \$57,025 exclusive of interest; and whereas the said corporation have further represented that none of said debenture debts is in arrears, and that in addition to the above there is a floating debt of \$4,000, and further represented that in addition to said floating debt it has been found absolutely necessary for the said council this year to expend the sum of \$1,100 for the purchase of hose for fire engine, and there has been recovered a judgment against said town for \$1,250 and costs, in all \$1,700, for damages caused by defective sidewalk, for the payment of which two last mentioned sums no provision has been made; and whereas the said corporation have further represented that it is expedient that the said corporation shall be enabled to consolidate its said indebtedness, and to effect a loan to pay off the same, at lower rates of interest than apply to the existing debts or any of them, and spread over a period sufficiently long to enable said corporation to pay the same while at same time meeting its other obligations, without an undue rate of taxation and whereas it further appears by said petition that the High School of said town no longer satisfies the requirements of the Education Department, and owing to the rapid growth of said town further school accommodation is imperatively necessary; and whereas the corporation of said town have

Preamble.

further represented by their said petition that they have been compelled to open many new streets in different directions, and to build many miles of sidewalk, but have not been able to maintain proper roadways thereon and it is expedient that they, in order to maintain said streets in proper condition and repair, should construct permanent streets and roadways, purchase the necessary appliances therefor, and also construct granolithic or other permanent sidewalks, and pay the town's share of the cost of local improvements; and whereas the said corporation has further represented that it is imperative that it should within the next two years in the interest and for the protection of said town and for the health and comfort of its people expend a considerable sum of money in the purchase of additional fire apparatus and appliances, in improvements to the fire hall, the construction and extension of sewers and laying of water pipes, the purchase and improvement of land for park, recreation and hospital purposes and other like permanent improvements; and whereas the said corporation has further represented that to meet the financial obligations caused by the said debenture debt and building of schools and at the same time construct the said permanent roadways and sidewalks, and perform the other necessary obligations as set out above, within the usual period, would cause the same to be unduly oppressive to the rate-payers of the said town; and whereas it is expedient that the corporation should be enabled to borrow money therefor and issue debentures at dates extending over *thirty* years therefor; and whereas the corporation of said town further represented that it desires to encourage the construction of granolithic, stone and other permanent side walks in the streets of said town, also sewers and other works, as local improvements, by providing from the general funds of the municipality, or contracting a loan therefor, a part of the cost of the construction of such sidewalks falling on the property benefited; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated at
\$63,825.

1. The said debts of the said Town of Smith's Falls, consisting of the aforesaid debenture debt of \$57,025, the floating debt of \$4,000 and the sum of \$2,800 expended in new fire hose and the payment of the said judgment, are hereby consolidated at the sum of \$63,825, and it shall be lawful for the corporation of the said Town of Smith's Falls to raise by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons or body corporate, a sufficient sum, or sufficient sums to purchase the said debentures or any of them or to retire same as they respectively become due, and to pay off the

other said debts, not exceeding in the whole the said sum of \$63,825, exclusive of interest thereon; and the said corporation may, after, *but not until*, the redemption or purchase of the original debentures, repeal the by-laws under which they were issued, so far as regards the levying of rates imposed thereby, for the redemption of the said original debentures and the payment of interest thereon.

2. It shall be lawful for the said corporation of the Town of Smith's Falls from time to time to pass a by-law or by-laws providing for the issue of debentures under its corporate seal, signed by the mayor and countersigned by the treasurer, for the time being of the said town, in such sums of not less than \$100 each and not exceeding in the whole the sum of \$63,825 as the said corporation may, from time to time direct, and the principal sum secured by said debentures, and the interest accruing thereon, may be made payable at such place or places as the said corporation may deem expedient and may be expressed in sterling money of Great Britain or currency of Canada.

Issue of
debentures
authorized.

3. The said corporation may, if it shall deem it expedient so to do, from time to time borrow on the security of the said debentures, in the Dominion of Canada, Great Britain or elsewhere, such sums as it may require, for the purpose of purchasing, paying off or redeeming the debentures in section 1 of this Act mentioned, or any of them, and the said floating and other indebtedness and may hypothecate or pledge the said debentures *to be issued*, or any of them, as security for the moneys so borrowed when, and upon such rate of interest, as to the said corporation shall seem meet, and may sell or dispose of the said debentures or any of them, from time to time as they deem expedient.

Power to raise
money on
debentures.

4. The said debentures shall be payable in not more than *thirty-five* years from the issue thereof as the said corporation may direct. Coupons may be attached to the said debentures for the payment of the interest thereon at such rate not exceeding 4 per cent. per annum, as the said corporation may deem meet, and such interest may be made payable yearly, or half yearly, at the places mentioned therein and in the coupons attached thereto.

Payment of
debentures
and interest.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year after the by-law or by-laws for a period not exceeding *thirty-five* years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year under any by-law shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Payment of
debt in equal
annual
instalments.

Special rate.

6 It shall be lawful for the said corporation to levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for the principal and interest in respect of the debentures authorized to be issued under the preceding sections of this Act to be called "The Consolidated Debt Debentures," and it shall not be necessary to levy for, or to provide, any sinking fund to retire the said debentures or any of them.

Application
of proceeds of
debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the purchase redemption or payment of the debentures, floating indebtedness and other indebtedness mentioned or referred to in section one of this Act, and may also be applied in the payment of all charges and expenses of and incidental thereto including the preparation and passing of this Act and the preparation and passing of any by-laws submitted to electors for raising of monies under this Act.

Payment of
outstanding
debentures.

8. The said corporation may arrange with the holders or any of them, for the purchase of the said outstanding debentures, or any of them or may, but only with the consent of the holders thereof, call in any one or more of the said outstanding debentures, and shall discharge the same with the funds raised as aforesaid under the authority of this Act, or may, with the like consent, whether the time fixed for payment of them shall have arrived or not, substitute therefor the said debentures or any of them authorized as aforesaid to be issued under this Act at such price and upon such terms and conditions, as may be agreed between the said corporation and the said holders of the said outstanding debenture.

By-laws not
to be repealed
until debts
paid.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

School
debentures.

R. S. O.
c. 292.
R. S. O.
c. 293.

10. It shall be lawful for the said corporation, notwithstanding anything to the contrary contained in *The Public School Act* and *The High School Act*, on any and all applications of the Board of Education for the Town of Smith's Falls made in accordance with the provisions of said Acts, or either of them, within two years from the passing of this Act, for money for school purposes, to issue debentures for any loan of money for such purposes for such term of years not exceeding *thirty* as the municipal council may think fit, in all such cases as under said Acts, or either of them, the said council now have authority to issue like debentures for a term of years not exceeding thirty, except that during the said period of two years, the cost of all permanent improvements to any of the schools of said town including therein sewerage and water supply, may be included in moneys for which said *thirty* years debentures may be issued as aforesaid.

11. It shall be lawful for the said corporation, ~~and~~ with the approval of the ratepayers in accordance with the provisions ~~and~~ contained in *The Municipal Act*, in that behalf to raise at any time within two years from the passing of this Act, by way of loan on the credit of the debentures hereinafter mentioned in section 12, such sum or sums not exceeding in the aggregate the sum of \$50,000.00, exclusive of interest, as shall be required by said corporation during said two years for the purpose of paying for the cost of any or all of the following matters, namely: Permanent improvements to the streets and roadways of said town, including the widening of certain streets, a steam road roller, stone crusher and engine, road grader, the construction of granolithic, stone, brick, and other permanent sidewalks and crossings in the streets of the said town, the said town's share of the cost of local improvement works and services, additional fire apparatus and appliances, and permanent improvements to fire hall, the construction of sewers, the laying of water pipes, the purchase, improvement and management of land for park, recreation and hospital purposes, including necessary buildings thereon and repairs to said buildings, and for such other permanent improvements to said town as its council may deem necessary.

Permanent
improvement
debentures.

12. It shall be lawful for the said corporation of the said town of Smith's Falls from time to time to pass a by-law or by-laws, but within two years from the passing of this Act, providing for the issue of the debentures referred to in the preceding paragraph, and for the purposes therein mentioned, payable in not more than *thirty* years from the issue thereof, as the said corporation may direct, said debentures otherwise to conform to all the requirements of *The Municipal Act* except as otherwise in this Act provided.

R. S. O.
c. 223.

13. It shall be lawful for the council of the said corporation to provide by by-law, from the general funds of the municipality, or to raise by way of loan on the credit of the debentures of the municipality, a part not exceeding one-third of that part of the cost of the construction of any and all works as local improvements falling on the property benefited, in addition to the part of such cost to be provided by the municipality, and to add said one-third or less part to the said part of the cost of the construction of said works to be provided by the municipality, and to issue from time to time debentures for the amount thus obtained, the remainder of that part of the cost of constructing the said works falling on the property benefited, after making the deduction as aforesaid, shall be assessed for and dealt with in the usual way, as provided for in *The Municipal Act* as to assessments for local improvements.

Town authorized to pay $\frac{1}{3}$
of local
improvements.

R. S. O.
c. 223.

14. It shall not be necessary to obtain the assent of the electors or ratepayers of the said Town of Smith's Falls to the passing of any by-law or by-laws which shall be passed under

Assent of
electors not
required.

R. S. O.
c. 223.

the provisions of any of the preceding sections of this Act *other than Section 11* or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Inconsistent
enactments
not to apply.

15. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act; and no irregularity in the form of the said debentures, or any of them, authorized to be issued by this Act, or any by law or by laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said debentures and interest thereon, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Informalities
not to invali-
date debentures.

Short title.

16. This Act may be cited as *The Smith's Falls Act, 1899*.

No. 54.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Town of Smith's
Falls.

First Reading, 15th February, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

MT. MATHESON.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the Queen's Most Excellent Majesty.

No. 54.]

BILL.

[1899.

An Act respecting the Town of Smith's Falls.

WHEREAS the municipal *corporation* of the Town of Preamble
Smith's Falls have by petition represented that *the*
said corporation has incurred debts and liabilities for various
purposes for which debentures have from time to time been
issued and are now outstanding to the extent of \$57,025
exclusive of interest; and whereas the said corporation *has*
further represented that none of said debenture debts
are in arrears, *but* that in addition *thereto* there is a floating
debt of \$4,000, and that in addition to said floating debt it has
been found absolutely necessary for the said council this year
to expend the sum of \$1,100 for the purchase of hose for fire
engine, and that there has been recovered a judgment against
said town for \$1,250 and costs, in all \$1,700, for damages
caused by a defective sidewalk, for the payment of which two
last mentioned sums no provision has been made; and whereas
the said corporation *has* further represented that it is ex-
pedient that the said corporation shall be enabled to consoli-
date its said indebtedness, and to effect a loan to pay off the
same, at lower rates of interest than apply to the existing
debts or any of them, and spread over a period sufficiently long
to enable said corporation to pay the same while at same time
meeting its other obligations, without an undue rate of taxa-
tion; and whereas it further appears by said petition that the
High School of said town no longer satisfies the requirements
of the Education Department, and owing to the rapid growth
of said town further school accommodation is imperatively
necessary; and whereas the corporation of said town have

further represented by their said petition that they have been compelled to open many new streets in different directions, and to build many miles of sidewalk, but have not been able to maintain proper roadways thereon and it is expedient that they, in order to maintain said streets in proper condition and repair, should construct permanent streets and roadways, purchase the necessary appliances therefor, and also construct granolithic or other permanent sidewalks, and pay the town's share of the cost of local improvements; and whereas the said corporation has further represented that it is imperative that it should within the next two years in the interest and for the protection of said town and for the health and comfort of its people expend a considerable sum of money in the purchase of additional fire apparatus and appliances, in improvements to the fire hall, the construction and extension of sewers and laying of water pipes, the purchase and improvement of land for park, recreation and hospital purposes and other like permanent improvements; and whereas the said corporation has further represented that to meet the financial obligations caused by the said debenture debt and building of schools and at the same time construct the said permanent roadways and sidewalks, and perform the other necessary obligations as set out above, within the usual period, would cause the same to be unduly oppressive to the rate-payers of the said town; and whereas it is expedient that the corporation should be enabled to borrow money therefor and issue debentures at dates extending over *thirty* years therefor; and whereas the *said* corporation *has* further represented that it desires to encourage the construction of granolithic, stone and other permanent side walks in the streets of said town, also sewers and other works, as local improvements, by providing from the general funds of the municipality, or contracting a loan therefor, a part of the cost of the construction of such sidewalks falling on the property benefited; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated at \$63,825.

1. The said debts of the said Town of Smith's Falls, consisting of the aforesaid debenture debt of \$57,025, the floating debt of \$4,000 and the sum of \$2,800 expended in new fire hose and the payment of the said judgment, are hereby consolidated at the sum of \$63,825, and it shall be lawful for the corporation of the said Town of Smith's Falls to raise by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons or body corporate, a sufficient sum, or sufficient sums to purchase the said outstanding debentures or any of them or to retire same as they respectively become due, and to

pay off the other said debts, not exceeding in the whole the said sum of \$63,825, exclusive of interest thereon; and the said corporation may, after, *but not until*, the redemption or purchase of the original debentures, repeal the by-laws under which they were issued, so far as regards the levying of rates imposed thereby, for the redemption of the said original debentures and the payment of interest thereon.

2. It shall be lawful for the said corporation of the Town of Smith's Falls from time to time to pass a by-law or by-laws providing for the issue of debentures under its corporate seal, signed by the mayor and countersigned by the treasurer, for the time being of the said town, in such sums of not less than \$100 each and not exceeding in the whole the sum of \$63,825 as the said corporation may, from time to time direct, and the principal sum secured by said debentures, and the interest accruing thereon, may be made payable at such place or places as the said corporation may deem expedient and may be expressed in sterling money of Great Britain or currency of Canada.

Issue of
debentures
authorized.

3. The said corporation may, if it shall deem it expedient so to do, from time to time borrow on the security of the said debentures, in the Dominion of Canada, Great Britain or elsewhere, such sums as it may require, for the purpose of purchasing, paying off or redeeming the debentures in section 1 of this Act mentioned, or any of them, and the said floating and other indebtedness and may hypothecate or pledge the said debentures *to be issued*, or any of them, as security for the moneys so borrowed when, and upon such rate of interest, as to the said corporation shall seem meet, and may sell or dispose of the said debentures or any of them, from time to time as they deem expedient.

Power to raise
money on
debentures.

4. The said debentures shall be payable in not more than *thirty-five* years from the issue thereof as the said corporation may direct. Coupons may be attached to the said debentures for the payment of the interest thereon at such rate not exceeding 4 per cent. per annum, as the said corporation may deem meet, and such interest may be made payable yearly, or half yearly, at the places mentioned therein and in the coupons attached thereto.

Payment of
debentures
and interest.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year after the *passing of the* by-law or by-laws for a period not exceeding *thirty-five* years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year under any by-law shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Payment of
debt in equal
annual
instalments.

Special rate.

6. It shall be lawful for the said corporation to levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for the principal and interest in respect of the debentures authorized to be issued under the preceding sections of this Act to be called "The Consolidated Debt Debentures," and it shall not be necessary to levy for, or to provide, any sinking fund to retire the said debentures or any of them.

Application of proceeds of debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the purchase redemption or payment of the *said outstanding* debentures, the *said* floating indebtedness and other indebtedness mentioned or referred to in section one of this Act, and may also be applied in the payment of all charges and expenses of and incidental thereto including the preparation and passing of this Act and the preparation and passing of any by-laws submitted to electors for raising of monies under this Act.

Payment of outstanding debentures.

8. The said corporation may arrange with the holders or any of them, for the purchase of the said outstanding debentures, or any of them or may, but only with the consent of the holders thereof, call in any one or more of the said outstanding debentures, and shall discharge the same with the funds raised as aforesaid under the authority of this Act, or may, with the like consent, whether the time fixed for payment of them shall have arrived or not, substitute therefor the said debentures or any of them authorized as aforesaid to be issued under this Act at such price and upon such terms and conditions, as may be agreed between the said corporation and the said holders of the said outstanding debentures.

By-laws not to be repealed until debts paid.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

School debentures.
R. S. O.
c. 292.
R. S. O.
c. 293.

10. It shall be lawful for the said corporation, notwithstanding anything to the contrary contained in *The Public School Act* and *The High School Act*, on any and all applications of the Board of Education for the Town of Smith's Falls made in accordance with the provisions of said Acts, or either of them, within two years from the passing of this Act, for money for school purposes, to issue debentures for any loan of money for such purposes for such term of years not exceeding *thirty* as the municipal council may think fit, in all such cases as under said Acts, or either of them, the said council now have authority to issue like debentures for a term of years not exceeding *thirty*, and during the said period of two years, the cost of all permanent improvements to any of the schools of said town including therein sewerage and water supply, may also be included in moneys for which said *thirty* years debentures may be issued as aforesaid.

11. It shall be lawful for the said corporation, ^{with the} approval of the ratepayers in accordance with the provisions ^{Permanent improvement debentures.} contained in *The Municipal Act*, in that behalf to raise at any time within two years from the passing of this Act, by way of loan on the credit of the debentures hereinafter mentioned in section 12, such sum or sums not exceeding in the aggregate the sum of \$50,000.00, exclusive of interest, as shall be required by said corporation during said two years for the purpose of paying for the cost of any or all of the following matters, namely: Permanent improvements to the streets and roadways of said town, including the widening of certain streets, a steam road roller, stone crusher and engine, road grader, the construction of granolithic, stone, brick, and other permanent sidewalks and crossings in the streets of the said town, the said town's share of the cost of local improvement works and services, additional fire apparatus and appliances, and permanent improvements to fire hall, the construction of sewers, the laying of water pipes, the purchase, improvement and management of land for park, recreation and hospital purposes, including necessary buildings thereon and repairs to said buildings, and for such other permanent improvements to said town as its council may deem necessary.

12. It shall be lawful for the said corporation of the said town of Smith's Falls within two years from the passing of this Act ^{Debentures authorized.} to pass a by-law or by-laws with the approval of the ratepayers as aforesaid ^{authorized.} providing for the issue of the debentures referred to in the *next* preceding section, and for the purposes therein mentioned, payable in not more than thirty years from the issue thereof, as the said corporation may direct, *and the said debentures shall conform to all the requirements of The Municipal Act except as otherwise in this Act provided.*

R. S. O.
c. 223.

13. It shall be lawful for the council of the said corporation to provide by by-law, from the general funds of the municipality, or to raise by way of loan on the credit of the debentures of the municipality, a part not exceeding one-third of that part of the cost of the construction of any and all works as local improvements falling on the property benefited, in addition to the part of such cost to be provided by the municipality, and to add said one-third or less part to the said part of the cost of the construction of said works to be provided by the municipality, and to issue from time to time debentures for the amount thus obtained, *and the remainder of that part of the cost of constructing the said works falling on the property benefited, after making the deduction as aforesaid, shall be assessed for and dealt with in the usual way, as provided for in The Municipal Act as to assessments for local improvements.*

Town authorized to pay 1/3 of local improvements.

R. S. O.
c. 223.

14. It shall not be necessary to obtain the assent of the electors or ratepayers of the said Town of Smith's Falls to the

Assent of electors not required.

R. S. O.
c. 223.

passing of any by-law or by-laws which shall be passed under the provisions of any of the preceding sections of this Act other than Sections 11, 12 and 13, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Inconsistent
enactments
not to apply.

Informalities
not to invali-
date deben-
tures.

15. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act; and no irregularity in the form of the said debentures, or any of them, authorized to be issued by this Act, or any by law or by laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said debentures and interest thereon, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Short title.

16. This Act may be cited as *The Smith's Falls Act, 1899*.

BILL.

An Act respecting the Town of Smith's
Falls.

First Reading, 15th February, 1899.
Second Reading, 6th March, 1899.

*(Reprinted as amended by Committee of
the Whole House).*

Mr. MATHESON.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 55.]

BILL.

[1899.

An Act to amend the Act incorporating the Smith's Falls, Rideau and Southern Railway Company.

WHEREAS the Smith's Falls, Rideau and Southern Railway Company have by their petition prayed that an Act may be passed authorizing the company to extend their line to the Town of Gananoque, passing through the Town-
5 ships of Leeds, Lansdowne, Escott and Yonge, through or near the Villages of Charleston and Athens, in the County of Leeds; to construct and operate a system of elevated railways in conjunction with its present system; to operate its said road by compressed air as well as by electricity, and to generate said
10 motive power, and in other respects to extend the company's powers, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts
15 as follows:—

1. Section 2 of Chapter 63 of the Act, passed in the 61st
year of Her Majesty's reign, intituled, An Act to incorporate
the Smith's Falls, Rideau and Southern Railway Company, is
repealed and the following substituted therefor.

Preamble
61 V. c. 63 s 2
repealed

20 2.—(1) The company is hereby authorized and empowered
to survey, lay out, construct, make, complete, alter and keep
in repair iron or steel railways to be operated by electricity,
or compressed air, with double or single iron or steel track or

**Location of
line.**

tracks, with all necessary switches and turnouts, within the limits of the Town of Smith's Falls, and from thence passing through the Townships of South Elmsley, South Burgess, Bastard, South Crosby, Leeds, Lansdowne, Escott, Yonge and Kitley, through or near the Villages of Portland, Jones' Falls, Town of Gananoque, Villages of Charleston, Athens and Toledo, in the County of Leeds, to the said Town of Smith's Falls; and from the said Town of Smith's Falls through the Township of Montague, in the County of Lanark, the Townships of Wolford, Oxford, South Gower, Edwardsburg and Augusta, in the County of Grenville, and the Townships of Elizabethtown, Kitley and South Elmsley, in the County of Leeds, passing through or near the Villages of Merrickville, Oxford Mills, and North Augusta, in the said County of Grenville, to the said Town of Smith's Falls, and the said railways or any part thereof, so far as the same may be operated by electricity or compressed air, may be carried along and upon such public highways, as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in *The Electric Railway Act*, contained, except as in this Act, or any amendment thereto otherwise provided and under and subject to any agreements between the Company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the Company may make and enter into any agreements with any municipal corporation, or road company, as to the terms of occupancy of any street or highway, subject except as aforesaid to the provisions and conditions contained in *The Electric Railway Act*, and in *The Municipal Act*, and any Act or Acts amending the same.

Rev. Stat. c.
209 61 V. c. 63

Rev. Stat. cc.
209, 223.

Authorized to
operate elevated
railways.

(2) The iron or steel railways mentioned in the preceding subsection includes not only the ordinary surface railways but elevated railways as well, built upon such superstructure, with such appurtenances thereto as in the view of the company shall be best adapted for the operating of their said railway as an elevated line.

61 V. c. 63 s.
18 ss. 6
amended.

3. Subsection 6 of section 18 of said Act is amended by adding the words "or other" after the word "electric" in the first line of said subsection, and by adding the words "and compressed air" after the word "electricity" in the fourth line of the said sub-section, and the words "public tender" the last two words of section 12 of said Act, are repealed and the words "private contract" substituted therefor.

61 V. c. 63 s.
12 amended.

4. Sections 15, 19 and 20 of said Act and sections 39, 40 and 42 of *The Electric Railway Act* shall not apply to any elevated system of railways of the said company.

61 V. c. 63 s.
15, 19, 20 and
Rev. Stat. c.
209 s. 39, 40
and 42 not to
apply to el-
evated railways

5. Subsection 4 of section 9 of *The Electric Railway Act*, shall not apply to the said company or its railways and any

and every agreement made with a municipal corporation under this Act, or the said Act to incorporate the Smith's Falls, Rideau and Southern Railway and authorized by by-law of the said municipality, shall be valid and effectual notwithstanding said subsection.

Rev. Stat. c.
29 s. 9 ss. 4.
61 V. c. 63.

6. Sections 70 and 131 of *The Electric Railway Act*, shall not apply to the said Company or its railways but the following sections shall be substituted therefor :—

Rev. Stat., c.
209 ss. 70 and
131.

70. In case the by law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council shall read the said by-law a third time and pass the same.

131. Where a railway passes a draw or swing bridge over a navigable river, canal or stream, which is subject to be opened for the purposes of navigation, the motor, car, carriage train shall in every case be brought to a full stop, and the conductor or other officer in charge thereof shall ascertain from the bridge-tender that the bridge is closed and in perfect order for passing, and in default of so stopping the said railway company shall be subject to a fine or penalty of four hundred dollars.

7. Section 29 of the said Act to incorporate the Smith's Falls, Rideau and Southern Railway Company is amended by substituting for the words "sub-section 5" in the tenth line thereof the words "sub-sections 3 and 5" and by adding after the figures 57 in the eleventh line of said section 29, the following words and figures "and sections 40, 41, 55, 82, 119 and 132."

61 V. c. 63 s.
29 amended.

8. The said railway shall be commenced within three years and completed within five years after the passing of this Act.

Time for com-
mencement
and comple-
tion.

9. Section 30 of the said Act to incorporate The Smith's Falls, Rideau and Southern Railway Company is repealed.

61 V. c. 63 s.
30 repealed.

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act to amend the Act incorporating the Smith's Falls, Rideau and Southern Railway Company.

First Reading,	1899.
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(Private Bill.)

Mr. MATHESON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend the Act incorporating the Smith's Falls, Rideau and Southern Railway Company.

WHEREAS the Smith's Falls, Rideau and Southern Railway Company have by their petition prayed that an Act may be passed authorizing the company to extend their line to the Town of Gananoque, passing through the Townships of Leeds, Lansdowne, Escott and Yonge, through or near the Villages of Charleston and Athens, in the County of Leeds; to construct and operate a system of elevated railways in conjunction with its present system; to operate its said road by compressed air as well as by electricity, and to generate said motive power, and in other respects to extend the company's powers, and whereas it is expedient to grant the prayer of the said petition;

Preamble

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 2 of Chapter 63 of the Act, passed in the 61st year of Her Majesty's reign, intituled, An Act to incorporate the Smith's Falls, Rideau and Southern Railway Company, is repealed and the following substituted therefor.

61 V. c. 63 s 2
repealed

2.—(1) The company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair iron or steel railways to be operated by electricity, or compressed air, with double or single iron or steel track or

Location of
line.

tracks, with all necessary switches and turnouts, within the limits of the Town of Smith's Falls, and from thence passing through the Townships of South Elmsley, South Burgess, Bastard, South Crosby, Leeds, Lansdowne, Escott, Yonge and Kitley, through or near the Villages of Portland, Jones' Falls, Town of Gananoque, Villages of Charleston, Athens and Toledo, in the County of Leeds, to the said Town of Smith's Falls; and from the said Town of Smith's Falls through the Township of Montague, in the County of Lanark, the Townships of Wolford, Oxford, South Gower, Edwardsburg and Augusta, in the County of Grenville, and the Townships of Elizabethtown, Kitley and South Elmsley, in the County of Leeds, passing through or near the Villages of Merrickville, Oxford Mills, and North Augusta, in the said County of Grenville, to the said Town of Smith's Falls, and the said railways or any part thereof, so far as the same may be operated by electricity or compressed air, may be carried along, upon *and above* such public highways, as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in *The Electric Railway Act*, contained, except as in this Act, or any amendment thereto otherwise provided and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation, or road company, as to the terms of occupancy of any street or highway, subject except as aforesaid to the provisions and conditions contained in *The Electric Railway Act*, and in *The Municipal Act*, and any Act or Acts amending the same.

Rev. Stat. c.
209 61 V. c. 63

Rev. Stat. cc.
209, 223.

Authorized to
operate elevated
railways.

(2) The iron or steel railways mentioned in the preceding subsection includes not only the ordinary surface railways but elevated railways as well, built upon such superstructure, with such appurtenances thereto as in the view of the company shall be best adapted for the operating of their said railway as an elevated line.

61 V. c. 63 s.
18 ss. 6
amended.

2. Subsection 6 of section 18 of said Act is amended by adding the words "or other" after the word "electric" in the first line of said subsection, and by adding the words "and compressed air" after the word "electricity" in the fourth line of the said sub-section.

61 V. c. 63 s.
15, 19, 20 and
Rev. Stat. c.
209 s. 39, 40
and 42 not to
apply to ele-
vated railways

3. Sections 15, 19 and 20 of said Act and sections 39, 40 and 42 of *The Electric Railway Act* shall not apply to any elevated system of railways of the said company.

4. Subsection 4 of section 9 of *The Electric Railway Act*, shall not apply to the said company or its railways and any and every agreement made with a municipal corporation under this Act, or the said Act to incorporate the Smith's Falls,

Rideau and Southern Railway and authorized by by-law of the said municipality, shall be valid and effectual notwithstanding said subsection. Rev. Stat. c. 209 s. 9 ss. 4. 61 V. c. 68.

5. Section 70 of *The Electric Railway Act*, shall not apply to the said company or its railways but the following section shall be substituted therefor :— Rev. Stat. c. 209 ss. 70.

70. In case the by law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council shall read the said by-law a third time and pass the same.

6. Section 29 of the said Act to incorporate the Smith's Falls, Rideau and Southern Railway Company is amended by substituting for the words "sub-section 5" in the tenth line thereof the words "sub-sections 3 and 5." 61 V. c. 63 s. 29 amended.

7. The said railway shall be commenced within three years and completed within five years after the passing of this Act. Time for commencement and completion.

8. Section 30 of the said Act to incorporate The Smith's Falls, Rideau and Southern Railway Company is repealed. 61 V. c. 63 s. 30 repealed.

2nd Session, 9th Legislature, 62 Vict. 1899.

BILL.

An Act to amend the Act incorporating the Smith's Falls, Rideau and Southern Railway Company.

First Reading, 15th February, 1899.

*(Reprinted as amended by Railway
Committee.)*

MR. MATHESON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 56.]

BILL.

[1899.]

An Act respecting the City of Kingston and the Dominion Cotton Mills Company.

WHEREAS the Dominion Cotton Mills Company, Limited, ^{Preamble.}
by its petition has prayed that an Act may be passed
to confirm a by-law of the corporation of the city of Kingston,
and an agreement made pursuant to the terms thereof, partly
5 exempting from municipal taxation the property of the com-
pany for a period of twenty years on certain conditions; and
whereas the said by-law provided that the provisions thereof
were to have no force or effect until the company had entered
into an agreement embodying certain conditions set forth in
10 the said by-law; and whereas the company has entered into
such agreement and has duly executed the same; and whereas
it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
15 as follows:—

1. By-law No. 705 of the corporation of the city of King- ^{By-law and}
ston, which is set forth in Schedule A to this Act, and entitled "A ^{agreement}
by-law to partly exempt from municipal taxation the property ^{confirmed.}
of the Dominion Cotton Mills Company, Limited, for a period
20 of twenty years from the 30th day of June, 1901, upon certain
conditions," is hereby ratified, confirmed and declared to be
valid and within the powers of the said the corporation of the
city of Kingston, and to be binding upon the said city, and

the agreement set forth in Schedule B to this Act is hereby confirmed and declared to be binding upon the respective parties thereto.

SCHEDULE A.

(Section 1)

By-Law No. 705.

A by-law to partly exempt from municipal taxation the property of the Dominion Cotton Mills Company (Limited) for a period of twenty years from the 30th day of June, 1901, upon certain conditions.

Passed Monday 24th October, 1898.

Whereas the Dominion Cotton Mills Company, Limited, has for a number of years operated cotton mills in various provinces in Canada, and amongst such mills has operated a cotton mill in the city of Kingston.

And whereas owing to the improvements which have of late years been made in cotton machinery and in the processes of making cotton cloth it is not in the interests of the said company to continue operating the said mill at Kingston unless the same be considerably enlarged, its capacity increased and its machinery replaced with modern machinery.

And whereas it is expedient to encourage the continuance of the company's mill in this city, and negotiations between the company and the corporation have resulted in the company agreeing to remodel and continue to operate its mill in this city, provided exemption of its property from taxation as hereinafter provided for be granted.

And whereas it is expedient to grant the said exemption and to pass this by-law.

Be it therefore enacted by the council of the corporation of the city of Kingston as follows :—

1. The property, real and personal, of the Dominion Cotton Mills Company (Limited) in the city of Kingston, necessarily and properly held by the said company for the purpose of its said mill in the said city and all additions and improvements thereto over and above three per cent of the assessed value thereof in each year shall be and the same is hereby declared to be exempt from municipal taxation (except school taxes and rates for local improvement works) for and during the period of twenty years from and after the thirtieth day of June, 1901, provided always that no part of the said property shall at any time be exempt from the payment of school taxes or rates for local improvement works to which it is or may be assessed or which may be imposed thereon during the said period of twenty years, provided further that the exemption from taxes hereby granted shall not apply to any residential property owned by the company, and provided further that the exemption from taxation hereby granted is given upon the conditions following, that is to say :—

“Sub-section ”

(1) That the company shall forthwith proceed to remodel and enlarge the capacity of its mill at Kingston, and shall also provide and install in the mill new power plant of modern type and sufficient to operate the said mill as remodelled and enlarged to its fullest capacity.

(2) That the remodelling and enlargement of the said mill and the erection of any additional buildings necessitated thereby shall be commenced not later than the first day of April, 1899, and shall be fully completed so that the mill as remodelled shall be in full running order by the thirtieth day of June, 1901.

(3) That the company shall keep its said mill running or working full time on every lawful day during the said period of twenty years as a cotton mill and manufactory, excepting during the time or times the same is necessarily stopped for repairs to the same or renewals of machinery or for making such changes as will increase the efficiency of the said mill, but such stoppages are not to exceed six weeks altogether in any year of the said period and such stoppages are not to affect the average weekly payment of wages in any year of the said period as hereinafter provided.

(4) That the company shall keep employed such a number of hands or persons in its said mill during the said period of twenty years that its weekly payment of wages to the said hands or persons so employed will average during each year of the said period not less than the sum of eight hundred dollars per week, of which expenditure evidence shall be furnished by the company to the corporation at any time or times during the said period it may be required or demanded by the corporation and in such manner as the corporation may desire.

(5) That the city treasurer of the corporation shall from time to time and at all reasonable times during the said period of twenty years have access to the pay rolls and books of account of the company and some other person to be nominated by the council of the corporation shall from time to time and at all reasonable times during the said period of twenty years have access to the buildings, premises and works of the company for the purpose of determining whether the agreement on the part of the company is being fully performed, and the company, its servants, agents and workmen shall by all means in their power facilitate and assist the said city treasurer and such other person so appointed in making their said enquiries and in determining whether the agreement is being fully performed, and the said city treasurer and such other person shall report to the council of the corporation at least once a year during the said period of twenty years.

(6) That the company shall during the said period of twenty years pay its school taxes and rates for local improvement works in full.

(7) That the company shall enter into and duly execute an agreement with the corporation to the effect of the foregoing conditions containing proper covenants, such agreement to be to the satisfaction of the solicitor of the corporation.

(8) That the company shall pay to the corporation all costs and expenses incurred by it in procuring the ratification of this by-law by the Legislative Assembly of the Province of Ontario.

2. Upon the failure or default of the company to perform, fulfil, observe and keep any or either of the said above conditions the exemption from taxation hereby granted to the company shall forthwith become forfeited and shall cease and be determined, and the taxes on the whole of the property of the company in the said city according to its full assessed value in each year respectively shall from the date of such failure or default from thenceforth be paid by the company to and be collectible by the corporation, provided that the taxes for the year in which such failure or default shall occur shall be apportioned and the proportion thereof from the date of such failure or default to the end of the said year shall be the amount of such taxes payable and collectible for that year.

3. The said exemption from taxation hereby granted to the company shall also become forfeited and cease and be determined if and from the time the company shall become insolvent or make an assignment for the benefit of its creditors, or shall have its property real or personal sold under execution or shall abandon the business in this city of carrying on at the said mill the manufacture of cotton yarn or cloth, or shall cease to pay less than the said average sum of eight hundred dollars per week in wages without the leave of the council of the corporation first being had and obtained.

4. An application shall be made to the Legislative Assembly of the Province of Ontario at its next session for an Act confirming this by-law and the said agreement, and the corporation will give its consent and use all lawful means to secure the passage of the said Act.

5. This by-law shall have no force or effect until the agreement above mentioned in sub-section 7 of section 4 of this by-law has been entered into by the company and the corporation as aforesaid, but upon this having been done this by-law shall come into force and take effect.

6. Nothing in this by-law contained shall affect or prejudice the exemption heretofore granted to the company by by-law number 408 (1892) of this corporation.

(Signed) C. LIVINGSTON,
Mayor.

(Signed) W. M. DRENNAN,
City Clerk.

SCHEDULE B.

(Section 1.)

This agreement made the 26th day of October, A.D. 1898, between the Dominion Cotton Mills Company, Limited, hereinafter referred to as the "Company," of the first part, and the corporation of the City of Kingston, hereinafter referred to as the "City," of the second part.

Whereas the company has for a period of years operated cotton mills in various provinces of Canada, and amongst such mills has operated a cotton mill in the City of Kingston.

And whereas owing to improvements which have of late years been made in cotton machinery and in the processes of making cotton cloth it is not in the interests of the company to continue operating the said mill at Kingston unless the same be considerably enlarged, its capacity increased and its machinery replaced with modern machinery.

And whereas it is expedient to encourage the continuance of the company's mill at Kingston, and negotiations between the company and the corporation have resulted in the company agreeing to remodel and continue to operate its mill in Kingston, provided exemption of its property from taxation be granted for and during a period of twenty years, from the thirtieth day of June, 1901.

And whereas the corporation has agreed to grant the said exemption, and a by-law of the council of the corporation has been passed, a copy of which is hereunto annexed.

And whereas this agreement has been entered into in compliance with the terms of the said by-law.

Now this agreement witnesseth that in consideration of the premises and with a view to complying with the provisions of the said by-law, the parties hereto covenant the one with the other in manner following, that is to say :

1. The exemption from taxation of the company's real and personal property for and during a period of twenty years from and after the thirtieth day of June, 1901, provided for in the said by-law, shall be granted by the corporation to the company subject to all the provisions and conditions set forth in the said by-law.

2. The company shall fulfil, observe and perform all the conditions set forth in the said by-law and therein expressed as those upon which the said exemption is granted.

3. The company agrees that in the event of its not fully complying with the said provisions and conditions that it will submit to pay and pay the taxes upon its property in Kingston, referred to in such by-law, in the manner provided for in such by-law.

In witness whereof the seals of the company and the city respectively are hereto affixed, and the signatures of the president of the company and the mayor of the city respectively are hereto affixed this 26th day of October, A.D. 1898.

Witness :	}	THE DOMINION COTTON MILLS Co.,	
		LIMITED.	
"HERBERT J. J. MOLSON."	}	(Sgd.) A. F. GAULT,	
		President.	[Seal.]
"W. M. BRENNAN,"	}	(Sgd.) C. LIVINGSTONE,	
City Clerk.		Mayor.	[Seal.]

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the City of Kingston
and the Dominion Cotton Mills Company.

First Reading, 1899.

(Private Bill.)

Mr. GRAHAM.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 57.]

BILL.

[1899.

An Act to consolidate the debt of the Town of Collingwood.

WHEREAS the corporation of the Town of Collingwood Preamble.
have by their petition represented that they have incurred debts and liabilities for the purpose of making harbor improvements, establishing a system of water works and
5 electric lighting, aiding railways and manufactories and for other public improvements of a permanent character, to the extent of over \$200,000, for which amount debentures have from time to time been issued, all of which both principal and interest fall due and become payable within the next
10 twenty years, and no portion of them, either for principal or interest is in arrear; and it has been further represented that no funds have been provided by way of sinking fund or otherwise for redeeming the said debentures, the same being repayable in annual instalments; and whereas it has been
15 made to appear that notice of intention to apply for this Act has been duly published in the *Ontario Gazette*, and in the Collingwood "Enterprize" and "Bulletin" two newspapers printed and published in the said town and that the ratepayers of the said town have been fully informed of the intention of the
20 corporation to apply for power to consolidate the debt of the said town; and whereas the said corporation have by their petition represented, that to pay off the said debt with interest, as the same becomes due, in addition to the ordinary annual expenditures and burdens, would be unduly oppressive
25 to the ratepayers, the improvements for which the said debts were contracted being of a permanent character which will

enure for the benefit of generations to come, and the said corporation have prayed that the said debenture debt be consolidated and that they may be authorized to issue consolidated debentures from time to time, not exceeding in the whole the sum of \$200,000 for the redemption of the said debt; and 5
whereas it is expedient to grant the prayer of this said petition;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Consolidation
of debt.

1. The said debts of the said Town of Collingwood are 10
hereby consolidated at the sum of \$200,000, and it shall be lawful for the corporation of the said Town of Collingwood to raise by way of loan, on the credit of the debentures herein-
after mentioned, and by this Act authorized to be issued, from
any person or persons, or body corporate, a sufficient sum or 15
sufficient sums to retire the said debentures amounting to \$200,000 as they respectively become due not exceeding in the whole the said sum of \$200,000 exclusive of interest thereon.

Authority to
issue debentures.

2. It shall be lawful for the said corporation of the Town of 20
Collingwood from time to time, to pass a by-law or by-laws providing for the issue of debentures under their corporate seal signed by the mayor and countersigned by the treasurer for the time being in such sums of not less than \$100, and not exceeding \$200,000 in the whole as the said corporation may 25
from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation deem expedient, and may be expressed in either sterling money of
Great Britain or currency of Canada. 30

Sale of
debentures.

3. The corporation of the said town may, for the purpose
in section 7 hereof mentioned, raise money by way of loan on
the said debentures in this Province or in Great Britain or
elsewhere, or sell and dispose of said debentures from time to
time as they may deem expedient. 35

Debentures
and interest.

4. The said debentures shall be payable in not more than
thirty-five years from the issue thereof, as the said corporation
may direct. Coupons shall be attached to the said debentures
for the payment of the interest thereon, and such interest
shall be payable half yearly, on the first day of June and 40
December, in each and every year at the places mentioned
therein, and in the coupons attached thereto, and such
debentures may bear interest at any rate not exceeding five
per cent. per annum.

When repay-
able.

5 A portion of the said \$200,000 of debentures to be issued 45
under this Act, shall be made payable in each year for a period

not exceeding thirty five years from the first day of December 1919, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each
 5 of the other years of the period within which the debt is to be charged.

6. The said corporation shall levy, in addition to all other
 rates to be levied in each year, a special rate sufficient to pay
 the amount falling due annually for principal and interest in
 10 respect of the debentures authorized to be issued under this Act,
 and it shall not be necessary to levy for, or to provide any
 sinking fund to retire the said debentures or any of them.

7. The said debentures and all moneys arising therefrom
 shall be applied by the said corporation in the redemption of
 15 the debentures of the Town of Collingwood to the amount of
 \$200,000 and in no other manner, and for no other purpose
 whatsoever and such debentures may be known as the "Con-
 solidated Debt Debentures."

8. The treasurer of the said town, shall, on receiving
 20 instructions from the council so to do, from time to time but
 only with the consent of the holders thereof, call in any of the
 outstanding debentures, and shall discharge the same with
 funds raised under the preceding sections of this Act, or may
 with the like consent, substitute therefor the said debentures,
 25 or any of them hereinbefore authorized to be issued upon such
 terms as may be agreed upon between the said council and the
 said holders of the said outstanding debentures.

9. Any by-law to be passed under the provisions of this
 Act shall not be repealed until the debt created under such
 30 by-law and the interest thereon shall be paid and satisfied.

10. It shall not be necessary to obtain the assent of the
 electors of the said Town of Collingwood to the passing of any
 by-law which shall be passed under the provisions of this Act,
 or to observe the formalities in relation thereto prescribed by
 35 *The Municipal Act*.

11. It shall be the duty of the treasurer from time to time
 of the said town to keep, and it shall be the duty of each of
 the members from time to time of the said municipal council
 to procure such treasurer to keep and see that he does keep
 40 a proper book of account setting forth a full and particular
 statement so that the same shall at all times shew the number
 of debentures which, from time to time, shall be issued under
 the powers conferred by this Act, and the respective amounts,
 payment of which is hereby secured, and the times at which
 45 the said debentures shall respectively become due and pay-
 able, and the several amounts which shall from time to time

be realized from the sales or negotiations of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures. 5

Liability of
municipality.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Collingwood from any indebtedness or liability which may not be included in the said debt of the said Town of Collingwood. 10

Form of
debentures

13 The debentures issued under this Act may be in the form contained in schedule A. to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule B. of this Act. 15

Inconsistent
provisions of
Municipal
Act not to
invalidate
by-laws.

14. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them to be authorized to be issued by this Act, or any of the by-law or by-laws authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof. 20 25 30

15. This Act may be cited as *The Collingwood Debenture Act, 1899.*

SCHEDULE A.

(Section 13.)

Province of Ontario, Town of Collingwood Consolidated Debenture Debt.

Under and by virtue of *The Collingwood Debenture Act, 1899*, and by virtue of by-law No. _____ of the corporation of the Town of Collingwood, the corporation of the Town of Collingwood promise to pay the bearer at _____, in _____, the sum of _____, on the first day of December, one thousand _____ hundred and _____, and the yearly coupons hereto attached as the same shall severally become due.

Dated at Collingwood this _____ day of _____, A.D. _____.

SCHEDULE B.

(Section 13.)

By-law No. _____, to authorize the issue of debentures under authority of *The Collingwood Debenture Act, 1899.*

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned, to be known as "Consolidated Debt Debentures," not exceeding the sum of \$200,000 in the whole, as the corporation of the Town of Collingwood may, in pursuance of and in conformity with the provisions of the said Act, direct; and whereas for the purpose mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$ _____, payable on the _____ day of _____, with interest there at the rate of _____ per cent. per annum, payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole rateable property of the said Town of Collingwood, according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and _____, was \$ _____,

Therefore the municipal council of the corporation of the Town of Collingwood enacts as follows:—

1. Debentures under the said Act and for the purpose therein mentioned, to be known as "Consolidated Debt Debentures," to the extent of the sum of \$ _____, are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of _____ per cent. per annum, payable on the first day of December in each year.

This by-law passed in open council this _____ day of _____, in the year of our Lord one thousand eight hundred and _____.

No. 57.

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act to consolidate the debt of the Town
of Collingwood.

First Reading, , 1899.

(Private Bill)

Mr. DUFF,

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 57.]

BILL.

[1899.

An Act to consolidate the debt of the Town of
Collingwood.

WHEREAS the *municipal* corporation of the Town of Collingwood have by their petition represented that they have incurred debts and liabilities for the purpose of making harbor improvements, establishing a system of water works and electric lighting, aiding railways and manufactories and for other public improvements of a permanent character, to the extent of over \$200,000, for which amount debentures have from time to time been issued, all of which both principal and interest fall due and become payable within the next twenty years, and no portion of them, either for principal or interest is in arrear; and it has been further represented that no funds have been provided by way of sinking fund or otherwise for redeeming the said debentures, the same being repayable in annual instalments; and whereas the said corporation have by their petition represented, that to pay off the said debt with interest, as the same becomes due, in addition to the ordinary annual expenditures and burdens, would be unduly oppressive to the ratepayers, the improvements for which the said debts were contracted being of a permanent character and the said corporation have prayed that the said debenture debt be consolidated and that they may be authorized to issue consolidated debentures from time to time, not exceeding in the whole the sum of \$200,000 for the redemption of the said debt; and whereas it is expedient to grant the prayer of this said petition; Preamble.

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Consolidation
of debt.

1. The said debts of the said Town of Collingwood ~~and~~ the particulars whereof are set forth in the schedule hereto annexed marked C^{tes} are hereby consolidated at the sum of \$200,000, and it shall be lawful for the corporation of the said Town of Collingwood to raise by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sufficient sums to retire the said debentures amounting to \$200,000 as they respectively become due not exceeding in the whole the said sum of \$200,000 exclusive of interest thereon ~~and~~ and not exceeding in any one year the principal amount of debentures falling due in that year. ^{tes}

Authority to
issue debentures.

2. It shall be lawful for the said corporation of the Town of Collingwood from time to time, to pass a by-law or by-laws providing for the issue of debentures under their corporate seal signed by the mayor and countersigned by the treasurer for the time being in such sums of not less than \$100, and not exceeding \$200,000 in the whole ~~and~~ or in any one year the principal amount of debentures falling due in that year ^{tes} as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Sale of
debentures.

3. The corporation of the said town may, for the purpose in section 7 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Debentures
and interest.

4. The said debentures shall be payable in not more than thirty-five years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half yearly, on the first day of June and December, in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding *four and a half* per cent. per annum.

When repay-
able.

5. A portion of the said \$200,000 of debentures to be issued under this Act, shall be made payable in each year for a period not exceeding thirty-five years from the first day of December 1919, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each

of the other years of the period within which the debt is to be charged.

6. The said corporation shall levy, in addition to all other Special rate. rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the Town of Collingwood to the amount of \$200,000 and in no other manner, and for no other purpose whatsoever and such debentures may be known as the "Consolidated Debt Debentures," ~~and~~ and the said corporation shall not after the passing of this Act issue any further debentures under *The Town of Collingwood Debenture Act of 1891*, the unissued portion of the debentures authorized to be issued by that Act being included in this Act. ~~and~~ Application of proceeds of debentures.

8. The treasurer of the said town, shall, on receiving instructions from the council so to do, from time to time but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with funds raised under the preceding sections of this Act, or may with the like consent, substitute therefor the said debentures, or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures. Treasurer to call in outstanding debentures.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. Repeal of by-law.

10. It shall not be necessary to obtain the assent of the electors of the said Town of Collingwood to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*. Assent of electors not necessary. R.S.O. c. 223

11. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is hereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time Books of account to be kept.

be realized from the sales or negotiations of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Liability of
municipality.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Collingwood from any indebtedness or liability which may not be included in the said debt of the said Town of Collingwood.

Form of
debentures

13 The debentures issued under this Act may be in the form contained in schedule A. to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule B. of this Act.

Inconsistent
provisions of
Municipal
Act not to
invalidate
by-laws.

14. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them to be authorized to be issued by this Act, or any of the by-law or by-laws authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Short title.

15. This Act may be cited as *The Collingwood Debenture Act, 1899.*

SCHEDULE A.

(Section 13.)

Province of Ontario, Town of Collingwood Consolidated Debenture Debt.

Under and by virtue of *The Collingwood Debenture Act, 1899*, and by virtue of by-law No. _____ of the corporation of the Town of Collingwood, the corporation of the Town of Collingwood promise to pay the bearer at _____, in _____, the sum of _____, on the first day of December, one thousand _____ hundred and _____, and the yearly coupons hereto attached as the same shall severally become due.

Dated at Collingwood this _____ day of _____, A.D. _____

SCHEDULE B.

(Section 13.)

By-law No. , to authorize the issue of debentures under authority of *The Collingwood Debenture Act, 1899.*

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned, to be known as "Consolidated Debt Debentures" not exceeding the sum of \$200,000 in the whole, as the corporation of the Town of Collingwood may, in pursuance of and in conformity with the provisions of the said Act, direct; and whereas for the purpose mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$, payable on the day of , with interest there at the rate of per cent. per annum, payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole rateable property of the said Town of Collingwood, according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and , was \$

Therefore the municipal council of the corporation of the Town of Collingwood enacts as follows:—

1. Debentures under the said Act and for the purpose therein mentioned, to be known as "Consolidated Debt Debentures," to the extent of the sum of \$, are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable on the first day of December in each year.

This by-law passed in open council this day of , in the year of our Lord one thousand eight hundred and

SCHEDULE C.

Shewing debts to be paid off by the consolidated debentures hereby authorized to be issued:—

Dry dock.....	\$ 6,900 00
School debentures (1st issue).....	4,600 00
“ “ (2nd “).....	1,459 32
Water-works and E. L. debentures (1st issue).....	52,500 00
Town hall.....	12,500 00
Water-works and E. L. debentures (2nd issue).....	\$25,000 00
Less at credit of sinking fund	\$3,343 93
	21,656 07
Water-works and E. L. debentures of 1895.....	8,800 00
Debenture Act of 1884.....	42,000 00
Debenture Act of 1891.....	4,000 00
Harbour improvement debentures.....	13,000 00
Total.....	\$204,915 39

NO. 57.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act to consolidate the debt of the Town
of Collingwood.

First Reading, 21st February, 1899.

*(Reprinted as amended in Private Bills
Committee.)*

MR. DUFF.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 58.]

BILL.

[1899.

An Act to Incorporate the Nickel Range Railway Company.

WHEREAS a petition has been presented praying for the Preamble.
incorporation of a company to construct and operate a
railway as hereinafter set forth, and it is expedient to grant
the prayer of said petition :—

5 Therefore Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario enacts
as follows :—

1. Edward V. Douglas and Frank S. Lewis, both of the Incorporation
city of Philadelphia, state of Pennsylvania, one of the United
10 States of America ; Francis H. Clergue, of the city of New
York, in the state of New York, one of the said United States,
and Bertrand J. Clergue and Henry C. Hamilton, both of the
town of Sault Ste. Marie, in the District of Algoma, together
with such other persons and corporations as become share-
15 holders in the company hereby incorporated, are hereby con-
stituted a body corporate under the name of " Nickel Range
Railway Company," hereinafter called the company.

2. The head office of the company shall be in the town of Head Office.
Sault Ste. Marie, in the District of Algoma, in the Province of
20 Ontario.

3. The company may lay out, construct and operate a rail-
way, of the gauge of four feet eight and one-half inches, from a Location of Line.

point on the Algoma branch of the Canadian Pacific Railway between Whitefish and McNaughton Stations to a point on the main line of the Canadian Pacific Railway within the limits of the townships of Balfour and Rayside and at or near Chelmsford Station, and to construct branch railways, none of which are to exceed twelve miles in length and to exercise all the powers, rights and privileges required therefor in as full and ample a manner as for the railway. 5

Provisional Directors. 4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the company. 10

Capital Stock. 5. The capital stock of the company shall be two hundred thousand dollars, consisting of two thousand shares of one hundred dollars each and may be called up by the directors from time to time as they deem necessary ; but no one call shall exceed ten per cent. on the shares subscribed. 15

Annual Meeting. 6. The annual general meeting of the shareholders shall be held on such day as may be appointed by the by-laws of the company.

Directors. 7. At the general annual meeting of the shareholders the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than five nor more than twelve persons to be directors of the company, one or more of whom may be paid directors. 20

Authority to issue bonds. 8. The company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches and may execute mortgages of its property or any part thereof to secure payment thereof. 25

Additional Powers. 9. The company shall, in addition to the powers conferred upon it by this or any other Act have power : (1) to erect and maintain docks, dock yards, wharves, slips and piers at any point on or in connection with the said Nickel Range Railway and all the termini thereof, on navigable waters for the convenience and accommodation of vessels and elevators ; (2) to acquire and work elevators ; (3) to acquire, own, hold, charter, work and run steam and other vessels for cargo and passengers upon any navigable water which the Nickel Range Railway may connect with ; (4) to construct, maintain and work a continuous telegraph or telephone line, or both throughout and along the whole line of the Nickel Range Railway or any part thereof and to construct or acquire by purchase, lease or otherwise any other line or lines of telegraph connecting with the line so to be constructed along the line of the said railway and to undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing ; or to lease such line or lines of telegraph or telephone 30 35 40 45

or any portion thereof, and to use any improvement that may hereafter be invented (subject to the rights of the patentee) for telegraphing or telephoning, or any other means of communication that may be deemed expedient by the company at any
 5 time hereafter; (5) to acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating or motor purposes and may dispose of power generated by the company's works and not required for the undertaking of the company; (6) to acquire by
 10 purchase, lease or otherwise, real and personal property of every description and mines, mining or mineral lands of every description and to lease, sell and convey the same; (7) to develop and operate mining or mineral lands and mines of every description; (8) to acquire exclusive rights and letters patent,
 15 franchises or patent rights and again dispose of the same.

10. The company may receive from any government or any persons or bodies corporate, municipal or politic, who may have power to make or grant the same aid toward the construction equipment or maintenance of the said railway by way of gift,
 20 bonus or loan of money or debentures or other securities for money or by way of guaranty or agreement upon such terms and conditions as may be agreed upon and the company is authorized to execute mortgages upon any or all of its property and assets to secure its indebtedness or obligations or
 25 any part thereof. Authority to receive gifts.

11. Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to any such municipality over which it may have control, which may be required for right
 30 of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the
 35 company. Municipalities empowered to grant lands.

12. The provisional directors or the elected directors may pay or agree to pay in paid-up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors or for right of way, or material, plant or
 40 rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking or for the purchase of right of way, material, plant or rolling stock, whether such promoters or
 45 other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Payment in stock.

13. The company shall have the right on and after the first day of November in each year to enter into and upon any
Snow fences.

lands of Her Majesty or into or upon any lands of any corporation or person whatsoever lying along the route or line of the said railway and to erect and maintain snow fences thereon subject to the payment of such damages (if any) as may be so established in the manner provided by law in respect to such railway to have been actually suffered. 5

Proxy.

14. At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company. 10

Commencement and completion.

15. The railway hereby authorized shall be commenced within three years and finished and put in operation within ten years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. 15

Motive power.

16. The company may operate its railway in whole or in part with electricity or water as the motive power in lieu of or in conjunction with steam or other form of power authorized

R.S.O. c. 207. by *The Railway Act* of Ontario.

20

C.P.R. and G.T.R.

17. The company may enter into agreements with the Canadian Pacific Railway Company, or the Grand Trunk Railway Company of Canada, for conveying or leasing to either of such companies the railway of the company hereby incorporated in whole or in part or any rights or powers acquired under this Act, as also the surveys, plans, work, plant, material, machinery and other property to it belonging or for an amalgamation with any of such companies on such terms and conditions as are agreed upon and subject to such restrictions as the directors may see fit. 30

Incorporation of R.S.O. c. 207 with this Act.

18. The several clauses of *The Railway Act* of Ontario, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act and shall apply to the company and the railway to be constructed by them except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein may be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act. 35

No. 58.

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to Incorporate the Nickel Range
Railway Company.

First Reading,	1899.
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(Private Bill.)

MR. FARWELL.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 58.]

BILL.

[1899.

An Act to Incorporate The Nickel Range Railway Company.

 WHEREAS Edward V. Douglas and Frank S. Lewis, both **Preamble.**
of the City of Philadelphia, in the State of Pennsylvania, one of the United States of America, Francis H. Clergue, of the City of New York, in the State of New York, one of the said United States, and Bertrand J. Clergue and Henry C. Hamilton, both of the Town of Sault Ste. Marie, in the District of Algoma, have by their petition prayed for an Act of incorporation under the name of "The Nickel Range Railway Company" for the purpose of constructing, maintaining and operating a railway from a point on the Algoma branch of the Canadian Pacific Railway between Whitefish and McNaughton stations to a point on the main line of the Canadian Pacific Railway within the limits of the Townships of Balfour and Rayside and at or near Chelmsford station, and it has been represented that the line of the railway of the company so to be incorporated will, for the most part, be constructed in the unorganized part of the Province; and it is proposed to operate the same by steam or electricity; and whereas, owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

- Incorporation** 1. Edward V. Douglas, Frank S. Lewis, Francis H. Clergue, Bertrand J. Clergue and Henry C. Hamilton, together with such other persons and corporations as *shall hereafter* become shareholders in the company hereby incorporated, are hereby constituted a body corporate *and politic* under the name of "*The Nickel Range Railway Company*," hereinafter called "the company."
- Location of line.** 2. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity, with double or single iron or steel tracks from a point on the Algoma branch of the Canadian Pacific Railway between Whitefish and McNaughton stations to a point on the main line of the Canadian Pacific Railway within the limits of the townships of Balfour and Rayside and at or near Chelmsford station, and to construct branch railways, none of which are to exceed six miles in length and to exercise all the powers, rights and privileges required therefor in as full and ample a manner as for the railway, and the said railways, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and in *The Municipal Act*. 
- Gauge.** 3. The gauge of the said railway shall be four feet eight and one half inches. 
- Provisional Directors.** 4. The said Edward V. Douglas, Frank S. Lewis, Francis H. Clergue, Bertrand J. Clergue and Henry C. Hamilton, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders. 
- Powers of provisional directors.** 5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls

upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the town of Sault Ste. Marie, in the district of Algoma, or at such other place as may best suit the interest of the company.

Rev. Stat.
c. 207.

6. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A., hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Conveyance of
land to com-
pany.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions
for stock when
binding.

8. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to rail-
way.

Capital stock. **§ 9.** The capital stock of the company hereby incorporated shall be \$200,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into two thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act. 

Rev. Stat.,
c. 207.

First election of directors. **§ 10.** When and as soon as shares to the amount of \$50,000 of capital stock in the said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said town of Sault Ste. Marie of the time, place and purpose of the said meeting. 

Number of directors and quorum.

§ 11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than twelve persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director. 

Rev. Stat.,
c. 207.

Qualification of director.

§ 12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon. 

Power to construct line in sections.

§ 13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then

ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."²⁷

²⁸14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company.²⁹ Rights of aliens.

³⁰15. The directors may from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section 17 of this Act.³¹ Calls on stock.

³²16. The provisional directors or the elected directors may pay, or agree to pay, in paid up stock or in the bonds of the company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.³³ Payments in stock or bonds.

³⁴17. The head office of the company shall be at the said town of Sault Ste. Marie, and the general annual meeting of the shareholders of the company shall be held in such place Head office, general annual meeting.

in the said town of Sault Ste. Marie on such days and at such hours as may be directed by the by-laws of the company ; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said town of Sault Ste. Marie during the four weeks immediately preceding the week in which such meeting is to take place. ¹⁸

Special general meetings. ¹⁸ **18.** Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section. ¹⁹

Proxy. ¹⁹ **19.** At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company. ²⁰

Issue of Bonds. ²⁰ **20.** The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of Section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections. ²¹

R.S.O. c. 207.

Bonds, etc., how payable. ²¹ **21.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name. ²²

Transfer of bonds. ²² **22.** The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same unless the said promissory notes or

bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted ; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. ¹⁸

¹⁹**23.** The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway. ²⁰

²¹**24.** It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on ; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on. ²²

²³**25.** The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof or any part of the said railway or branches and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company ; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company ; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing. ²⁴

²⁵**26.** Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained ; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ²⁶

ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways. ²⁶

Submitting
bonus by-laws.

²⁷27. Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely :

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount ; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council ; or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid. ²⁸

²⁸28. Such by-law shall in each instance provide :

By-law, what
to contain.

(1) For instance the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of the debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby as may be expressed in the said by-law.

(1) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively. ²⁹

Deposit to be
made before
by-law is sub-
mitted.

²⁹29. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the muni-

cipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law. 

30. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.  Council to pass by-law if assented to by rate-payers.

31. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.  Issue of debentures.

32. In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.  Levying rates on portion of municipality.

33. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.  Application of provisions of 60 V. c. 223,

34. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.  Councils may extend the time for commencement.

35. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.  Councils may extend the time for completion.

36. Any municipality, or portion of a township municipality interested in the construction of the road of the company, may grant aid by way of bonus to the company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.  Extent of aid from municipalities.

By-laws grant-
ing exemption
from taxation

37. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of lands.

38. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Issue of
debentures.

39. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of
proceeds of
debentures.

40. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-laws in relation thereto

as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Nickel Range Railway," Municipal Trust Account, and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor. 

§ 41. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. 

Free to trustees

§ 42. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell or convey the same, or any part thereof, from time to time as they may deem expedient: but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. 

Power to purchase whole lots.

§ 43. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of

Acquiring material for construction.

Rev. Stat.
c. 207.

this section, as to the obtaining materials as aforesaid, and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. 

Sidings to
gravel pits.

~~Art~~ **44**—(1) When said gravel, stone, earth or sand shall be taken under the preceeding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceeding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply. 

Rev. Stat
207.

~~Art~~ **45**. The company shall have power and authority:—

Warehouses,
docks, etc.

(1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, work shops, machine shops, foundries and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Erect necessary
buildings
wharfs, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;

Powers as to
production
and use of
electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway and for the lighting and heating the rolling stock and other property of the company;

(4) To sell or lease any such electricity not required for the purpose aforesaid to any person or corporation and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub section;

Lease or sell
electricity not
required for
railway.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Acquiring
rights for con-
veying electri-
city.

46—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

~~47~~(2) The by-laws mentioned in section 2, sub-section 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*. ⁸

~~47~~ ⁴⁷47. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation of persons whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April following. ^{8a}

~~48~~48. The company is authorized and empowered to make necessary arrangements to contract and agree with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, and the Manitoulin and North Shore Railway Company, if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act. ^{8a}

Arrangements
with other
companies.

~~49~~49. The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, and the Manitoulin and North Shore Railway Company, or any or either of them, if lawfully empowered to enter into such agreements upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with any or either of the said companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preced-

ing section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario. ²⁶¹

²⁶² **50.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. ²⁶³

Transfer of shares.

²⁶⁴ **51.** The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. ²⁶⁵

Payment of back charges of goods.

²⁶⁶ **52.** The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act. ²⁶⁷

Incorporation of provisions of Rev. Stat. c. 207.

²⁶⁸ **53.** The railway hereby authorized, shall be commenced within three years and finished and put in operation within six years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. ²⁶⁹

Commencement and completion.

²⁷⁰ SCHEDULE A

(Section 6.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of

_____ dollars paid to me (or us) by The Nickel Range Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of

_____ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land (de-

scribe the land) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Nickel Range Railway Company, their successors and assigns forever (here insert any other clauses covenants and conditions required), and I (or we) the wife (or wives) of the said
do hereby bar my (or our) dower in the said lands.

As WITNESS my (or our) hand and seal (or hands and seals) this
day of , one thousand eight hundred and
Signed, sealed and delivered }
in the presence of }

(L. S.) 

SCHEDULE B.

(Section 40.)

CHIEF ENGINEER'S DEPARTMENT.

The Nickel Range Railway Company's Office,
No.

A.D. 18

ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Nickel Range Railway Company Municipal Trust Account given under section . chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, chief engineer of
The Nickel Range Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of , 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled.)

No. 58.

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to Incorporate The Nickel Range
Railway Company.

First Reading, 28th February, 1899.

*(Reprinted as amended by Railway
Committee.)*

Mr. FARWELL.

TORONTO:

PRINTED BY L. K. JAMISON,
Printer to the Queen's Most Excellent Majesty.

No. 59.]

BILL.

[1899.

An Act respecting the floating debt of the Town of Brockville.

WHEREAS the corporation of the Town of Brockville have Preamble
by their petition represented that they have incurred
a floating debt and have prayed that they may be authorized
to issue debentures for the sum of \$24,000 to pay off the said
5 debt and the expenses attending the issue of said debentures;
and whereas no opposition has been made to the said petition;
and whereas it is expedient to grant the prayer of the said
petition:

Therefore Her Majesty, by and with the advice and consent
10 of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The said corporation may issue debentures under the Authority to
corporate seal and signed by the mayor and countersigned by issue debentures
the treasurer for the time being for such sums not less than
15 \$100 each and not exceeding \$24,000 in the whole as the
council may direct, and the principal of said debentures and
the interest accruing thereon may be made payable either in
Canada or Great Britain or elsewhere, and either in sterling
money of Great Britain or in lawful money of Canada as the
20 said council may direct.

2. The said debentures shall be payable within twenty When pay-
years from the date thereof and the principal shall be payable able.
in instalments as directed by said council, such instalments to

be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years. The interest thereon shall be payable half-yearly at a rate not exceeding four per centum per annum, and coupons shall be attached to provide for the payment of the interest. 5

Assent of
electors not
necessary.

R.S.O. c. 207.

3. It shall not be necessary to obtain the assent of the electors of the said town to the issue of said debentures or to the passage of any by-law relating thereto, or to observe the formalities in relation thereto prescribed by *The Municipal Act* 10

Irregularity
in form not to
invalidate

4. No irregularity in the form, either of the said debentures or of any by-law authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof. 15

Special rate.

5. The said corporation shall during the currency of said debentures levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and no sinking fund need be provided for. 20

Sale of debentures.

6. The said corporation may raise money by the sale or hypothecation of said debentures as they may deem expedient, and all moneys to be derived from such sale or hypothecation shall be applied for the payment of such debt and such expenses and to and for no other purpose. 25

No. 59.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the floating debt of the
Town of Brockville.

First Reading, , 1899.

Mr. GRAHAM.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting the floating debt of the Town of Brockville.

WHEREAS the corporation of the Town of Brockville have Preamble.
by their petition represented that they have incurred a floating debt and have prayed that they may be authorized to issue debentures for the sum of \$24,000 to pay off the said debt and the expenses attending the issue of said debentures; and whereas the said floating debt has arisen from failure in past years to collect or get in the outstanding taxes, and gradual increase of overdrafts in the bank; and whereas no opposition has been made to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said corporation may issue debentures under the corporate seal and signed by the mayor and countersigned by the treasurer for the time being for such sums not less than \$100 each and not exceeding \$24,000 in the whole as the council may direct, and the principal of said debentures and the interest accruing thereon may be made payable either in Canada or Great Britain or elsewhere, and either in sterling money of Great Britain or in lawful money of Canada as the council *of the said corporation* may direct. Authority to issue debentures.

2. The said debentures shall be payable within twenty When payable.

years from the date thereof and the principal shall be payable in instalments as directed by said council, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years. The interest thereon shall be payable half-yearly at a rate not exceeding four per centum per annum, and coupons shall be attached to provide for the payment of the interest.

Assent of
electors not
necessary.

3. It shall not be necessary to obtain the assent of the electors of the said town to the issue of said debentures or to the passage of any by-law relating thereto, or to observe the formalities in relation thereto prescribed by *The Municipal Act*

R.S.O. c. 207.

Irregularity
in form not to
invalidate

4. No irregularity in the form, either of the said debentures or of any by-law authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

Special rate.

5. The said corporation shall during the currency of said debentures levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and no sinking fund need be provided for.

Sale of debentures.

6. The said corporation may raise money by the sale or hypothecation of said debentures as they may deem expedient, and all moneys to be derived from such sale or hypothecation shall be applied for the payment of such debt and such expenses and to and for no other purpose.



2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act respecting the floating debt of the
Town of Brockville.

First Reading, 21st February, 1899.

*(Reprinted as amended in Private Bills
Committee.)*

MR. GRAHAM

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

1875

No. 61.]

BILL.

[1899

An Act respecting The London Street Railway Company.

WHEREAS The London Street Railway Company were Preamble.
incorporated by an Act of the Ontario Legislature
passed in the 36th year of the reign of Her Majesty Queen
Victoria, chaptered 99, with the powers therein set forth, and
5 the company was authorized and empowered to construct,
maintain, complete and operate a double or single iron railway
with the necessary side tracks, switches and turn-outs for the
passage of cars, carriages and other vehicles adapted to the
same, upon and along such of the streets and highways in the
10 municipality of the city of London and of any of the adjoining
municipalities, subject to agreements to be made between the
company and the said municipalities, which Act was amended
by an Act passed in the 58th year of the reign of Her Majesty
Queen Victoria, chaptered 107; and whereas, in accordance
15 with the said last mentioned Act, the company have extended
their said railway to a point at or near Springbank on the
River Thames in the township of Westminster; and whereas
for the purpose of so extending their said railway the Company
have constructed the same upon, over and along a private right
20 of way in the township of Westminster; and whereas, The
London Street Railway Company have by their petition
prayed for an Act confirming by-laws numbers 1010 and 1025
of the corporation of the city of London dated respectively the
13th day of July and the 8th day of November, 1897, and
25 certain agreements made in pursuance thereof between the
said petitioners and the said corporation of the city of London

bearing date respectively the 28th day of July, 1897, and the 22nd day of December, 1897; and have by their said petition further prayed for an Act confirming by-law number 391 of the township of London dated the 14th day of August, 1897, and the agreement of even date therewith made in pursuance thereof between the said petitioners and the said corporation of the township of London; and have by their said petition further prayed for an Act confirming by-law number 567 of the township of Westminster dated the 15th day of September, 1898; and whereas it is expedient to grant the prayer of the said petition—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement
and by-laws of
the city of
London confirmed.

1. The agreements between The London Street Railway Company and the corporation of the city of London dated the 28th day of July, 1897, and the 22nd day of December, 1897, and the by-laws numbered 1010 and 1025 respectively therein referred to and incorporated therewith, which are set out in schedules A and B respectively to this Act, are hereby declared to be valid and legal and to be binding upon the parties thereto.

Agreement
and a by-law
of the township
of London confirmed.

2. The agreement between The London Street Railway Company and the corporation of the township of London dated the 14th day of August, 1897, and the by-law numbered 391 therein referred to and incorporated therewith, which are set out in schedule C to this Act, are hereby declared to be valid and legal and to be binding upon the parties thereto.

By-law No.
567 of township
of Westminster confirmed.

3. By-law number 567 of the corporation of the township of Westminster, set out in schedule D to this Act, is hereby declared to be valid and legal and to be binding upon the parties thereto.

Authority of
corporation to
enforce performance
of provisions of
by-law against
company.

4. If the said company shall fail or neglect to keep, observe perform or comply with any of the provisions of this said by-law in which the residents of the municipality or the corporation or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the company, the corporation may bring an action in the High Court of Justice against the company and all other necessary parties to compel the keeping, observing, performing of and complying with such provisions, and the court shall have full power and jurisdiction in the premises to enforce by injunction or otherwise the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of this by-law in which residents of the municipality or the corporation or any other person or corporation are interested.

5 Section 6 of the Act to incorporate The London Street Railway Company, being chapter 99 of the Act passed in the 36th year of Her Majesty's reign is amended by inserting the words "at least" in the third line thereof before the word "five"; and by striking out the word "three" in the eleventh line thereof and inserting in lieu thereof "a majority of the"; and by adding the following to section 6 as sub-section "a."
 "(a)—The company may by by-law increase or decrease the number of its directors."

36 V. c. 99,
 sec 6 amended

SCHEDULE A.

(Section 1.)

BY-LAW No. 1010. RESPECTING THE LONDON STREET RAILWAY COMPANY.

Whereas, by By-law No. 916 respecting The London Street Railway Company, passed on the twenty-first day of May, A.D. 1895, and certain articles of agreement between the Corporation of the City of London (hereinafter called the Corporation) and The London Street Railway Company (hereinafter called the Company), bearing date the sixth day of June, A.D. 1895, it was provided that the Company should complete their railway and have the electric cars running efficiently and the whole of the works in full operation upon all of the streets and portions of streets mentioned in sub-section 2 of section 50 of the said by-law within eighteen months from the passing of the said by-law ;

And whereas it was further provided by the said by-law and agreement that the Company should, instead of extending their tracks on the Hamilton Road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street, provided a free crossing were obtained over the Grand Trunk Railway Company's tracks on Rectory street, within one year from the passing of the said by-law, lay their tracks on Rectory street from Dundas street southerly to the Hamilton road within the period of eighteen months from the passing of the said by-law ;

And whereas the Hamilton road from Rectory street to Egerton street and Egerton street from Hamilton road to Pine street are portions of the streets mentioned in sub-section 2 of section 50 of the said by-law, upon which the Company were to complete their railway and to have the electric cars running efficiently and the whole of the works in full operation within eighteen months from the passing of the said by-law as hereinbefore recited ;

And whereas, by By-law No. 975 respecting The London Street Railway Company, passed on the fifth day of October, A.D. 1896, the time for laying the Company's tracks on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street, the completion of the said railway thereon, the running of the electric cars and the having of the whole of the works in full operation upon the said portions of the said streets was extended for a period of six months from the passing of the said last mentioned by-law ;

And whereas it was further provided by the said last mentioned by-law that, in the event of a free crossing being obtained over the Grand Trunk Railway Company's tracks on Rectory street within three months from the passing of the said last mentioned by-law, the company should, instead of extending their tracks on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine

street, lay their tracks on Rectory street from Dundas street southerly to the Hamilton road and complete their railway and have the electric cars running efficiently and the whole of their works in full operation upon the said portion of the said street within six months from the passing of the said last mentioned by-law, in default of which all the privileges granted to the company by the said by-law No. 916 should cease, determine and be at an end, and, in that event the corporation might exercise the other powers contained in section 56 of the said by-law No. 916 ;

And whereas a free crossing cannot be obtained over the Grand Trunk Railway company's tracks on Rectory street and the company have requested the company to extend the time for the laying of their tracks on Rectory street aforesaid, the completion of the said railway thereon, the running of the electric cars and the having of the whole of the works in full operation upon the said portion of the said street for a period of three months from the passing of this by-law and agree with the corporation that, in the event of such time being extended as aforesaid, they will (notwithstanding that a free crossing cannot be obtained over the Grand Trunk Railway Company's tracks on Rectory street), without any expense or liability of the corporation for any work or materials which may be done or furnished in the crossing of the said tracks, or any expense to or liability of the corporation in respect of the construction or maintenance of the said crossing or the signals thereat or other safeguard or otherwise howsoever, within the said period of three months lay their tracks on Rectory street from Dundas street southerly to the Hamilton road in lieu of laying the same on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street, and will have their said railway completed upon the said portion of Rectory street and the electric cars running efficiently thereon and the whole of the works in full operation upon the said portion of Rectory street within the said period of three months from the passing of this by-law, in default of which all the privileges granted to the company by the said by-law No. 916 and this by-law shall cease, determine and be at an end, and, in that event, the corporation may exercise the other powers contained in section 56 of the said by-law No. 916 ;

And whereas it is expedient to grant the said request of the company upon condition that within four weeks from the passing of this by-law the company enter into an agreement with the corporation which shall legally bind the company to carry out the agreement in the next preceding recital hereof mentioned and which also shall stipulate and legally bind the company that nothing in this by-law contained shall prejudice or effect the rights of the corporation under the said by-law No. 916 and the agreement between the company and the corporation, dated the sixth day of June, A.D. 1895, except as varied by this by-law and that, save as varied by this by-law, the said by-law and agreement, shall be and remain valid and binding upon the company, their successors and assigns ;

Be it therefore enacted by the municipal council of the corporation of the city of London as follows :

1. That the company shall, instead of lying their tracks on the Hamilton road, from Rectory street to Egerton street, and on Egerton street from the Hamilton road to Pine street, lay their tracks on Rectory street from Dundas street southerly to the Hamilton road and complete their said railway thereon, and have their electric cars running efficiently and the whole of their works completed and in full operation upon the said portion of the said street within three months from the passing of this by-law, in default of which all the privileges granted to the company by the said by-law No. 916 or by this or any other by-law of the corporation, shall cease, determine and be at an end, and in that event, the corporation may exercise the other powers contained in section 56 of the said by-law No. 916.

2. That in the event of the company laying their tracks on Rectory street within the time and as provided by the next preceding paragraph hereof,

the laying of their said tracks shall be accepted by the corporation in lieu of laying their tracks upon the Hamilton road, from Rectory street to Egerton street, and on Egerton street from the Hamilton road to Pine street, as provided by the said by-law No. 916, and that any forfeiture which may have occurred by reason of the company not having laid their tracks on the Hamilton road from Rectory street to Egerton street, and on Egerton street from the Hamilton road to Pine street, be and the same is hereby waived, but such waiver shall not be deemed or assumed to extend to any instance or any breach (if any) of any of the covenants, conditions, terms, agreements, stipulations, regulations, obligations, provisions or things contained in the said by-law No. 916 and the said agreement bearing date the sixth day of June, A.D. 1895, or either of them, other than the breach hereinbefore referred to, and shall not be deemed a waiver of the benefit of any covenant, condition, term, agreement, stipulation, regulation, obligation, provision or thing contained in the said by-law and agreement, or either of them, save and except only the breach hereinbefore referred to.

3. That nothing in this by-law contained shall prejudice or affect the rights of the corporation under the said by-law No. 916 and the agreement between the company and the corporation bearing date the sixth day of June, A.D. 1895, except as varied by this by-law, and that, save as varied by this by-law, the said by-law and agreement shall be valid and binding upon the company, their successors and assigns.

4. This by-law and the powers and privileges hereby granted shall not take effect or be binding upon the corporation unless or until formally accepted by the company within four weeks after the passing of this by-law by an agreement which shall legally bind the company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and shall stipulate and legally bind the company that nothing in this by-law contained shall prejudice or affect the rights of the corporation under the said by-law No. 916 and the agreement between the company and the corporation dated the sixth day of June, A.D. 1895, except as varied by this by-law, and that, save as varied by this by-law, the said by-law and agreement shall be and remain valid and binding upon the company, their successors and assigns.

Passed in open council this 13th day of July, A.D. 1897.

(Sgd.) C. A. KINGSTON,
Clerk.

(Sgd.) J. W. LITTLE,
Mayor.

[Seal.]

— —

ARTICLES OF AGREEMENT, made this twenty-eighth day of July, A.D. 1897, between The London Street Railway Company (hereinafter called the company) of the first part, and the Corporation of the City of London (hereinafter called the corporation) of the second part.

Whereas the council of the corporation, by by-law No. 1010 passed on the thirteenth day of July, A.D. 1897, provided for the laying of the company's tracks on Rectory street from Dundas street southerly to the Hamilton road instead of laying the same on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street and made other provisions contained in the said by-law a true copy of which said by-law is hereto annexed ;

And whereas, these presents are intended to give effect to the said by-law and to bind the company to keep the terms contained in the said by-law and that nothing in the said by-law contained shall prejudice or affect the rights of the corporation under by-law No. 916 of the corporation passed on the twenty-first day of May, A.D. 1895, and the agreement between the company and the corporation dated the sixth day of June,

A.D. 1895, except as varied by the said by-law No. 1010, and that, save as varied by the said by-law No. 1010, the said by-law No. 916 and the said agreement between the company and the corporation dated the sixth day of June, A.D. 1895, shall be and remain valid and binding upon the company, their successors and assigns and that any waiver of any forfeiture which may have occurred by reason of the company not having laid their tracks on the Hamilton road from Rectory street to Egerton street from the Hamilton road to Pine street within the time limited therefore shall not be deemed or assumed to extend so any instance of any breach, if any, of any of the covenants, conditions, terms, agreements, stipulations, regulations, obligations, provisions or things contained in the said by-law No. 916, and the said agreement between the company and the corporation dated the sixth day of June, A.D. 1895, or either of them, other than the breach hereinbefore referred to and shall not be deemed a waiver of the benefit of any covenant, condition, term, agreement, stipulation, regulation, obligation, provision or thing contained in the said last mentioned by-law and agreement, or either of them, save and except only the breach hereinbefore referred to ;

Now, these presents witness that, in consideration of the granting of the rights which are by the said by-law No. 1010 granted by the corporation to the company, the company do, for themselves, their successors and assigns, covenant, promise and agree to and with the corporation, their successors and assigns, in manner following, that is to say :

1. The company do hereby accept the said by-law No. 1010 and that the company, their successors and assigns, will in all things conform to, obey, perform, fulfill and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law No. 1010 contained, upon, under and subject to which the said rights are by the said by-law No. 1010 granted to the company, and that the company will, instead of laying their tracks on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street, lay their tracks on Rectory street from Dundas street southerly to the Hamilton road and complete their said railway thereon and have their electric cars running efficiently and the whole of the works completed and in full operation upon the said portion of the said street within three months from the passing of the said by-law No. 1010, in default of which all the privileges granted to the company by the said by-law No. 916 or by the said by-law No. 1010 or by any other by-law of the corporation shall cease, determine and be at an end, and, in that event, the corporation may exercise the other powers contained in section 56 of the said by-law No. 916.

2. That the company will do and perform all acts, matters and things which the said by-law No. 1010 provides are to be done by or on behalf of the company, and the company also covenant and agree with the corporation that nothing in the said by-law No. 1010 contained shall prejudice or affect the rights of the corporation under the said by-law No. 916 or the said agreement between the company and the corporation dated the sixth day of June, A.D. 1895, except in so far as the same are varied by the said by-law No. 1010 and that, save and except in so far as the same are varied by the said by-law No. 1010, the said by-law No. 916 and the said agreement between the company and the corporation dated the sixth day of June, A.D. 1895, shall be and remain valid and binding upon the company, their successors and assigns.

3. That any waiver by the corporation in the said by-law No. 1010 contained of any forfeiture which may have occurred by reason of the company not having laid their tracks on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street as provided by the said by-law No. 916 and by by-law No. 976 of the municipal council of the corporation passed on the fifth day of October, A.D. 1896, shall not be deemed or assumed to extend to any instance or any breach, if any, of any of the covenants, conditions, terms, agreements, stipulations, regulations, obligations, provisions or things

contained in the said by-law No. 916 and the said agreement bearing date the sixth day of June, A.D. 1895, or either of them, other than the breach hereinbefore referred to, and shall not be deemed a waiver of the benefit of any covenant, condition, term, agreement, stipulation, regulation, obligation, provision or thing contained in the said last mentioned by-law and agreement, or either of them, save and except only the breach hereinbefore referred to.

4. That the company will lay their tracks on Rectory street from Dundas street southerly to the Hamilton road and do the other works as provided by the first paragraph hereof without any expense to or liability of the corporation for any work or materials which may be done or furnished in the crossing of the Grand Trunk Railway Company's tracks on Rectory street aforesaid or any expense to or liability of the corporation in respect of the construction or maintenance of the said crossing or the signals thereat or other safeguards or otherwise howsoever.

In witness whereof the company have caused to be affixed their corporate seal and their president and secretary have set their hands, and the corporation have caused to be affixed their corporate seal and the mayor and city clerk have set their hands the day and year first above written.

Signed, sealed and delivered in duplicate in the presence of
C. A. KINGSTON as to signature of J. W. LITTLE.

{ J. W. LITTLE, [Seal.]
Mayor.
C. A. KINGSTON,
City Clerk.

CHARLES H. IVEY as to signature of H. A. EVERETT and
C. E. A. CARR.

{ H. A. EVERETT, [Seal.]
President.
C. E. A. CARR,
Secretary.

SCHEDULE B.

(Section 1.)

BY-LAW No. 1025, RESPECTING THE LONDON STREET RAILWAY COMPANY.

Whereas the Legislature of the Province of Ontario, on the twenty-ninth day of March, 1873, passed an Act intituled "An Act to incorporate The London Street Railway Company," by which the said Company (hereinafter called the company) are authorized and empowered to construct, maintain, complete and operate a double or single iron railway with the necessary side tracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same upon and along such of the public streets and highways within the jurisdiction of the Corporation of the City of London (hereinafter called the corporation) as the company may be authorized to pass along, under and subject to any agreement to be made between the council of the corporation and the company and under and subject to any by-law of the corporation, and to take, transport and carry passengers and freight upon the same by the force or power of animals or such other power as the corporation may by by-law from time to time authorize to be used, and to construct and maintain all necessary works, buildings and conveniences therewith connected, and full power is given to the directors to make all by-laws for the management of the company;

And whereas the corporation and the company are by the said Acts respectfully authorized to make and enter into any agreements or cov-

enants relating to the construction of the said railway for the paving, macadamizing repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways, the location of the railway and the particular streets along which the same shall be laid, the pattern of the rail, the time and speed of running the cars, the time within which the works are to be commenced, and the manner of proceeding with the same, and the time for completion and generally for the safety and convenience of passengers, the conduct of the agents and servants of the company, and the non-obstructing or impeding of the ordinary traffic ;

And whereas the corporation are by the said Act authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreements or covenants and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the Company, and for the enforcing obedience thereto, and also for the facilitating of the running of the company's cars and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass ;

And whereas by by-law No. 916 respecting The London Street Railway Company passed on the 21st day of May, A.D. 1895, the consent, permission and authority of the corporation was given and granted to the company to construct, complete, maintain and operate during the remainder of the term of fifty years from the eighth day of March, A.D. 1875, a service electric street railway on the trolley system upon and along certain streets of the said City of London, particularly mentioned in the said by-law, upon and subject to the conditions and agreements thereafter contained ;

And whereas the company has applied to the municipal council of the corporation for permission to extend, construct, maintain and operate their railway on High street from Maryboro' Place to Tecumseh Avenue and on Tecumseh Avenue from out High street to a point distant one hundred and twenty feet westerly therefrom, in the sixth ward in the said City of London, and the said council has consented to grant the same upon and subject to the conditions and agreements hereinafter referred to ;

Be it therefore enacted by the municipal council of the corporation of the City of London as follows :

1. The consent, permission and authority of the corporation is hereby given and granted, so far as the corporation hath power to give and grant the same, to the company to construct, complete, maintain and operate during the remainder of the said term of fifty years from the eighth day of March, A.D. 1875, a surface electric street railway on the trolley system, for the passage of cars, carriages and other vehicles adapted to the same, upon and along High street from Maryboro' Place to Tecumseh avenue, and Tecumseh avenue from High street to a point distant one hundred and twenty feet westerly therefrom, in the sixth ward in the said City of London, in the manner and upon and subject to all the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things contained in the said by-law No. 916, passed on the twenty-first day of May, A.D. 1895, all of which terms, conditions, agreements stipulations, regulations, obligations, provisoes and things in the said by-law contained are hereby declared to form part of this by-law as if the same were fully set out therein.

2. One track only, without any switches, loops, turn-tables, cross-overs, side-tracks, turn-outs, or other works, save and except only a "Y" shall be laid on the said portions of the said streets, but a "Y" may be laid either upon the said portion of High street or the said portion of Tecumseh avenue or partly on the said portion of High street and partly on the said portion of Tecumseh avenue.

3. The laying of the track upon the said portions of the said streets shall not be deemed a laying down of new lines or an extension of tracks within the meaning of section 21 of the said by-law No. 916.

4. This by-law and the powers and privileges hereby granted shall not take effect or be binding upon the corporation unless and until formally accepted by the company within sixty days from the passing thereof by an agreement which shall legally bind the company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained and referred to, and shall be approved by the city solicitor, and such agreement, when so approved, shall be executed under the city's seal by the mayor or the chairman of No. 1 committee and the city clerk.

Passed in open council, this eighth day of November, A.D. 1897.

(Sgd.)

C. A. KINGSTON,

Clerk.

J. W. LITTLE,

Mayor.

[Seal]

ARTICLES OF AGREEMENT made the 22nd day of December, A. D. 1897, between the Corporation of the City of London (hereinafter called the Corporation) of the first part, and the London Street Railway Company (hereinafter called the Company) of the second part.

Whereas, by an Act of the Legislature of the Province of Ontario, passed on the twenty-ninth day of March, A. D. 1873, entitled "*An Act to Incorporate The London Street Railway Company*," it is amongst other things provided that the council of the corporation and the company may make and enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers and the laying of gas and water pipes in the said streets and highways; the location of the railway and the particular streets along which the same shall be laid; the pattern of the rail; the time and speed of running the cars; the time within which the works are to be commenced; the manner of proceeding with the same, and the time for completion and generally for the safety and convenience of passengers; the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic:

And whereas, the council of the corporation of the City of London on the eighth day of November in the year of our Lord 1897, passed a by-law numbered 1625, granting to the company certain rights for the construction, maintenance and operation of a street railway upon and along Hight street from Maryboro Place to Tecumseh avenue and Tecumseh avenue from High street to a point distant one hundred and twenty feet westerly therefrom in the Sixth ward in the said City of London, upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a true copy of which said by-law is hereto annexed;

And whereas these presents are intended to give effect to the said by-law and the same have been approved of by the city solicitor:

Now these presents witness that, in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the company, the company do, for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors in manner following, that is to say:—

That the company do hereby accept the said by-law and that the company, their successors and assigns, will in all things conform to, obey,

perform, observe, fulfil and keep all and every the terms, conditions agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said by-law granted to the company and will do and perform all acts, matters and things which the said by-law provides are to be done by or on behalf of the company, and will not do anything which the said by-law provides is not to be done by the company.

And the corporation do hereby ratify and confirm the said by-law and the rights and privileges thereby granted to the company, subject, however, to all the terms, conditions, stipulations, regulations, obligations, provisions and things in the said by-law contained

In witness whereof the corporation have caused to be affixed their corporate seal and the Mayor and City Clerk have set their hands and the company have caused to be affixed their corporate seal and their President and Secretary have set their hands the day and year first above written.

Signed, sealed and delivered
In the presence of
W. H. DOUGLAS.

{ J. W. LITTLE, [Seal.]
Mayor.
C. A. KINGSTON,
City Clerk.

W. H. DOUGLAS.

{ H. A. EVERETT, [Seal.]
President.
C. E. A. CARR,
Secretary.

SCHEDULE C.

(Section 3.)

By-law No. 567. To fix assessment and taxation of the London Street Railway Company for balance of their franchise in the City of London.

Whereas, the said company were authorized by the Act passed in the 58th year of Her Majesty's Reign, Chapter 107, to construct, maintain, complete and operate their railway upon, over and along any lands which may be acquired by them for that purpose in the Township of Westminster ;

And whereas, the said company have purchased their right of way and built their railway to a point known as Springbank in the township of Westminster ;

And whereas, the real estate and rails, poles and wires of the company situate within the township of Westminster were assessed by the said township for the year 1898 ;

And whereas, the company gave notice of appeal to the Court of Revision against the said assessment ;

And whereas, for the purpose of avoiding further appeals and litigation it has been mutually agreed between the said municipal council and the said company that the property of the said company situate within the township of Westminster shall be exempt from taxation in excess of seventy-five dollars per annum during the remainder of the term of the franchise of the said company within the City of London.

Be it therefore enacted by the municipal council of the corporation of the township of Westminster by a two-thirds vote of the members thereof as follows .

1. The taxation of the real estate and rails, poles and wires of The London Street Railway Company as now operated in the township of Westminster is hereby fixed at seventy-five dollars per annum for the period of twenty-eight years from the first day of January, 1898, and during each of the said years no taxes in excess of the said sum of seventy-five dollars shall be imposed thereon or upon the said company in respect of the same.

2. The real estate and rails poles and wires of The London Street Railway Company situate in the township of Westminster as now operated are hereby exempted from taxation in excess of seventy-five dollars per annum for the period of twenty-eight years from the first day of January, 1898.

3. That the exemption prayed for by this by-law shall cease if the said The London Street Railway Company's franchise in the city of London shall at any time be forfeited or if the company cease to operate their said railway in the township of Westminster for the period of one year.

Passed in open council this sixth day of September, one thousand eight hundred and ninety-eight.

(Sgd.) GEORGE RIDDELL,
Reeve.

(Sgd.) J. H. ANDERSON,
Clerk.

[Seal]

SCHEDULE D.

(Section 2.)

BY-LAW NO. 391 RESPECTING THE LONDON STREET RAILWAY COMPANY.

Whereas the Legislature of the Province of Ontario, on the 29th day of March, 1873, passed an Act entitled "An Act to Incorporate the London Street Railway Company," by which the said company (hereinafter called the company) are authorized and empowered to construct and operate a railway in any of the municipalities adjacent to the City of London, subject to any agreement to be made between the council of such municipality and the company, and under and subject to any by-law of the municipality.

And whereas the Township of London is a municipality adjacent to the said City of London.

And whereas the corporation of the said Township of London (hereinafter called the corporation) and the company, are, by the said Act, respectively authorized to make and enter into any agreements relating to the construction and operation of the said railway.

And whereas the corporation are, by the said Act, authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreement or agreements

Be it therefore enacted by the municipal council of the corporation of the Township of London as follows :

1 The consent, permission and authority of the corporation is hereby given and granted to the company to construct, complete, maintain and operate, during the remainder of the term of fifty years from the eighth day of March, A.D. 1875, a surface electric street railway, on the trolley system, consisting of a single track with one turnout or switch for the pas-

sage of cars, carriages and other vehicles adapted to the same upon and along that portion of the road allowance between the first concession and concession "C" of the Township of London, commonly called the Governor's road, lying between the easterly limit of the City of London and the track of the Stratford branch of the Grand Trunk Railway, and to erect all necessary poles and wires, electric appliances and overhead construction along such road allowance for the completion of the railway on the trolley system and to operate such railway by running cars thereon by means of electricity as a motive power during the term herein specified, upon and subject to the conditions and agreements hereinafter mentioned or contained.

2. The construction of the said Electric Street Railway shall be completed and the electric cars running efficiently on the same within six weeks after the Engineer for the corporation has given a certificate to the company declaring that the highway has been graded, gravelled and repaired to his satisfaction in accordance with the terms of an agreement between the parties hereto bearing even date herewith, and on default of which all the privileges granted to the company by this by-law shall cease, but in case, from any cause whatsoever, the said grading shall not have been done and the said road placed in repair to the satisfaction of the said Engineer on or before the first day of October, A. D. 1897, all the privileges granted to the company by this by-law shall cease and determine.

3. The tracks of the said Railway, and all works necessary for constructing and laying the same, shall be built and made in a substantial manner, and according to the best modern practice, under the supervision of the Engineer of the corporation and to the satisfaction of the said Engineer, and the roads in which any work is done by the company shall, by and at the expense of the company, who shall furnish at their own expense all necessary materials, be left in as good a state and condition, and to the satisfaction of the said engineer when the rails are laid, and the other necessary work of the company is done, as they were at the time they were broken up, opened or interfered with by the company.

4. The said railway shall be of the gauge of four feet eight and one-half inches, and the rails shall be what are known as "T" rails, and shall weigh not less than fifty-six pounds per yard and be of a similar pattern to that used on Dundas Street in the Village of London West, and the same shall be laid, kept and maintained flush with the said streets, and in such manner as shall least obstruct the free and ordinary use of the streets and the passing of vehicles and carriages over the same.

5. The said railway shall be laid in the centre of the street and where a switch or turnout is used the same shall be laid so that the inside rail of each track shall be within two feet of the centre line of the street.

6. (1) The tracks shall conform to the grade of the said road as the same shall be established by the Engineer of the corporation before the commencement of the work, and the said Engineer shall immediately after the said grading has been done to his satisfaction give his certificate to the company to that effect, and shall within one week after the giving of such certificate if requested in writing by the company to do so, give the company the grades, and such notice shall be sufficiently given if mailed by registered letter addressed to the said Engineer at the county buildings in the City of London.

(2) All the work and material necessary to be done and supplied by the Company in order to comply with the provisions of this by-law shall be done and supplied under the supervision and to the satisfaction of the said Engineer.

7. (1) The said road shall be kept and maintained by the company during the continuance of this by-law and of the extension of the company's rights thereunder (if any) in the following shape and condition: The surface of the road shall be level with the rails between the same and shall

gradually and evenly drop from the said rails to the sides at a grade of ten inches in fifteen feet to the lowest point thereon which shall not be nearer than twenty-two feet from the centre line of the road, and from the said lowest point to the said sides of the road for a further distance of two feet on each side thereof shall gradually and evenly rise at a grade of six inches in the said two feet, and the said highway shall be kept properly graded and gravelled to the satisfaction of and under the direction of the said Engineer from the centre line to a distance on each side thereof of at least fifteen feet, and shall be properly drained on each side thereof with tile placed in the bottom of the present ditches in accordance with the plans and specifications attached to an agreement bearing even date herewith and made between the said corporation and the said company, and shall keep the tile drain in good and sufficient repair for the period of five years from the date of the completion of the work as provided in paragraph two hereof, and shall leave the same in good and sufficient repair at the expiration of the said five years, and all the highway for a width of forty-eight feet, being twenty-four feet on each side of the centre line of the road shall be kept free from ruts, hollows, depressions and defects of any description and in thorough repair to the satisfaction of the said Engineer, or renewed from time to time by the company at its own expense to the satisfaction of the said Engineer, all the materials to be furnished by the company and to be satisfactory to the said Engineer, and all the said work to be done to his satisfaction, and when and as required by him.

(2) The company shall construct and maintain in good repair crossings on the said road at the intersection of the said road with any street which the same shall now or may hereafter cross at its own expense.

8. While the rails are being laid, or any of the works of the company are in course of construction or repair, the company shall cause a free passage to be kept open for carriages and vehicles, and all surplus street material shall be either removed or spread over the street, from which the same shall be taken, as shall be directed by the said engineer.

9 The corporation and the council of the corporation and their respective officers, servants and contractors, shall have the right to take up the road and remove the company's tracks therefrom either for the purpose of altering the grades thereof, constructing or repairing all drains, sewers or culverts, or laying down or repairing gas or water pipes, or for any other purpose for the time being within the powers, privileges, duties or obligations of the corporation without being liable to the company for any damage that may be thereby occasioned to the said railway or the works connected therewith or the working thereof, or to the company and the corporation shall not be liable to the company for any damage the company may sustain from the breakage, leakage, or stoppage of sewers or drains or water pipes, or from the exercise by the corporation of any of their said powers.

10. In case the company shall fail to do, to the satisfaction of the said engineer, any work or thing which by the terms of this by-law hereinbefore or hereinafter contained, they are to do, or in case the company shall fail to keep the said highway, crossings and tile drain in a proper and sufficient state of repair in accordance with the terms and provisions hereof, the engineer may give written notice to the company (which may be served by mailing the same addressed to the company at the city of London) specifying in general terms the nature of the work or thing which the company has failed to do or the approximate locality of any such want of repair, and if the company shall not within seven days thereafter have done such work or thing, or put in proper repair such track, street or crossing, to the satisfaction of the said engineer, then such work or thing may be done, and such repair may be made by the corporation or the council thereof at the expense of the company, and the amount so expended may be recovered from the company in any court of competent jurisdiction, and in case of the failure of the company to pay the same for the period of two months after the recovery of a judgment for

any amount, all rights and privileges hereby, or by any agreement or by-law of the corporation, heretofore or hereafter granted to the company, shall cease, determine and be at an end. Provided that such delay shall not relieve the company in any case from their liability under the provisions of this by-law to indemnify the corporation against loss or damage arising from the default or neglect of the company to do the work or thing or make the repair, in respect of which such notice shall be given.

11. The said railway shall not be open to the public or put in operation until the said engineer shall have given his certificate in writing that the same has been constructed in all respects conformably to the provisions of this by-law.

12. After the said railway has been constructed, before commencing any future work of alteration or repair, the company shall give to the said engineer, notice of their intention so to do and no more than one hundred lineal feet of the highway shall without his authority in writing be broken up or open at any one time or place and when the work of such alteration or repair shall have been commenced the same shall be proceeded with without intermission and as speedily as the same can be carried on with due regard to their proper alteration or repair, and subject to the supervision of the said engineer.

13. During the construction or repair of the said railway or of any work in connection therewith, due and proper care shall be taken to leave sufficient space and crossings so that the traffic on the said highway and streets running into or crossing the same shall not be unnecessarily impeded, and that lights, barriers or watchmen, and all other efficient means and precautions shall be provided, taken and kept by the company when and where the same shall be necessary, or shall be required by the said engineer and to his satisfaction to prevent accidents or injury.

14. It shall be lawful for all and every person or persons whatsoever to travel upon and use the said tracks except for street railway purposes with horses, carriages or other vehicles, loaded or not, when and so often as they may please, so that they do not unnecessarily impede or interfere with the cars of the company running thereon.

15. The company shall construct, maintain and operate their system without causing any injury to or interference with any system of water-works, telegraph, telephone, electric light, gas, fire alarm or other service now or hereafter, having the use of or being operated in, upon or under the said highway and shall be liable for all damages arising from or by reason of the construction, maintenance or operation of their railway system, and shall from time to time adopt and use the best modern means satisfactory to the said engineer to prevent any such injury or interference as aforesaid, and should the company fail to adopt and use such means the corporation may adopt and use the same, and charge the cost thereof to the company who shall pay the same to the corporation on demand.

16. —(1) The company shall indemnify and save harmless the corporation at all times from all loss, damages, costs, charges and expenses of every nature and kind, whatsoever which the corporation may incur, be put to, or have to pay by reason of the exercise by the company of their powers or any of them, or by reason of neglect by the company in the executing of their works or any of them, or by reason of the improper execution of their works or any of them, or by reason of the said works becoming unsafe or out of repair, or by reason of the neglect or failure of the company to remove any snow or ice which it is their duty to remove under the provisions of this by-law or by reason of the neglect, failure or omission of the company to do or permit anything herein agreed to be done or permitted, or by reason of any act, default or omission of the company or otherwise howsoever, and should the corporation incur, pay or be put to any such loss, damages, cost, charges or expenses the company shall forthwith, upon demand, repay the same to the corporation.

(2) The company shall, by the use of guard-wires or other sufficient means, protect all telegraph, electric light, telephone and other wires from contact with the electric wires which may be used by the company for the working of their railway. The said engineer shall be the judge as to the sufficiency of the means from time to time to be adopted for the purposes aforesaid, and his decision in the premises shall be binding on the corporation and the company.

17.—(1) The company shall place and continue on said railway new combination motor cars of the same pattern and equipment as those now being used in the City of London, and the company for this purpose to have the right to build a loop, "y" or turntable at or near the eastern and western terminus of its route, and at or near such points to construct its track across the said highway so as to obtain access to other property upon which to construct such loop, "y" or turntable, and all cars whether motor cars or not used by the company shall contain all the modern improvements, for the convenience and comfort of passengers, including lighting and heating and shall be lighted and heated at such hours and for such periods of the year as are required by the engineer of the City of London for cars running in the city, and the platforms shall be provided with gates or bars, and each car shall be supplied and maintained with fenders of the most improved design, for the safety of the public, and with vestibules for the protection of the motormen, and all such gates, bars, fenders and vestibules shall be the same as are used upon the company's cars in the City of London. The said cars shall be kept clean inside and out, and no business signs shall be carried on the outside of the cars except hangers advertising entertainments; and the company shall improve their cars from time to time so that the same shall at all times be in every respect equal to their cars in use in the said City of London.

(2) Cars shall not be crowded, and the number of passengers for each car shall be the number approved of by the engineer of the City of London with respect to cars running in the city, and no greater number of passengers shall be carried upon, or permitted to be in any car than the number so authorized, if any passenger on board the car objects and calls the attention of the conductor to the crowding.

18. If the company shall at any time permit any portion of the highway which is to be kept in repair by the company, to become out of repair or in such condition as in the opinion of the said engineer it ought not, having regard to the terms of this by-law to be, the said engineer may give to the company written notice which may be served by mailing the same by registered letter addressed to the company (at the said City of London) specifying in general terms the approximate locality so by him considered to be out of repair or in such condition and if the same shall not have been within seven days thereafter put in proper repair and condition by the company to the satisfaction of the said engineer, then the company shall not if so required by the corporation operate its railway until the said engineer shall have certified that all necessary repairs and changes have been made to his satisfaction. Provided that such delay shall not relieve the company in any case from their liability under the provisions of this by-law to indemnify the corporation against loss or damage arising from the default or neglect of the company to do the work or thing, or make the repair in respect of which such notice shall be given.

19.—(1) The privileges granted by this by law shall extend until the eight day of March 1925, and the corporation may, after giving at least one year's notice prior to the expiration of the said term of their intention so to do, assume at the expiration of the said term the ownership of the said railway of the company on payment of the value thereof to be determined by arbitration, and any arbitration under this section shall be subject to the provision of *The Consolidated Municipal Act, 1892*, and of the Act respecting arbitrations and references, or any Acts substituted therefor, or for the time being dealing with said matters, and the arbitrators shall have all the powers of arbitrators appointed under the said Act, and each party shall pay half the costs of the arbitration.

(2) After the corporation shall have given such notice they may at once proceed to arbitrate under the conditions in that behalf, and both the corporation and the company shall in every reasonable way facilitate such arbitration, and the arbitrators appointed in the matter shall proceed so as, if possible, to make their award not later than the expiration of the said term, but if from any cause the award shall not be made by such time, or if either party be dissatisfied with the award, the corporation may nevertheless take possession of the said railway on paying into court the amount of such award if the award be made, or if not, on paying into court or to the company such sum of money as a judge of the High Court of Justice may, after notice to the company, order, and upon and subject and according to such terms, stipulations and conditions as the said judge shall by his order direct and prescribe, provided always that the rights of the parties, except in so far as herein specially provided, shall not be affected or prejudiced thereby. In determining such value the rights and privileges hereby granted, and the revenue, profits and dividends being or likely to be derived from the enterprise are not to be taken into consideration, but the arbitrators are to consider only the actual value of the actual and tangible property and plant connected with said railway, but no allowance will be made in respect of pavements.

(3) In the event of the corporation not exercising at the expiration of the said period of fifty years from the eighth day of March, A.D. 1875, the right to take over the railway, the corporation may at the expiration of any fifth year thereafter, and so at the expiration of periods five years reckoned from the expiration of the previous five years exercise such right upon giving not less than one year's previous notice to the company of their intention so to do, and the privileges, duties, obligations and liabilities hereunder of the company shall continue until the ownership is assumed by the corporation as aforesaid or possession taken under the provisions of this section as above mentioned. Provided always that whenever the corporation exercise such right of taking over the said property the provisions for determining the value thereof herein contained and the other provisions of sub-section 2 of this section shall apply mutatis mutandis in the same manner as if the corporation had exercised their rights at the expiration of the said period of fifty years, that is to say, on the eighth day of March, A.D. 1925.

(4) In the event of the company's railway in the city of London being assumed and taken over at any time by the corporation of the city of London pursuant to section 20 of by-law No. 916 of the said city of London, and in the event of the corporation of the township of London not desiring to assume the railway pursuant to the provisions of the first, second and third sub-sections hereof, then the said company shall have, firstly, the right to cease to operate the railway hereby authorized to be constructed, and may remove their rails, ties, poles, wires and all other plant and material connected with their said railway, but shall leave the said highway in a thorough state of repair, and shall remove all ties and fill up all holes with good gravel well pounded so that the said highway shall be in every respect in as good repair as it is required to be under the terms of this by-law. or, secondly, the said company may assign all their franchise, rights and privileges granted hereunder to the said corporation of the city of London, or to any other corporation, person or persons for the time being, the owners of the franchise and property of the London Street Railway Company upon the said corporation or corporations, person or persons entering into an agreement with the said corporation of the township of London, containing the same or similar terms, conditions and provisions as are set out in this by-law and in the agreement between the said parties hereto. Provided always that the corporation shall not have the right to exercise the powers contained in the preceding sub-sections hereof, unless the corporation of the city of London take advantage of the provisions for arbitration contained in section 20 of by-law No. 916; and provided further that, in the event of the corporation giving notice for arbitration in this section mentioned, it may discontinue the same at any time before the arbitrators are appointed.

20. The company in constructing their said railway, will, so far as practicable so to do, employ residents of the township of London.

21. Only one turnout shall be laid on the said railway between its terminal points, and the said turnout shall not be more than two hundred and fifty feet in length and shall be located opposite to or at the intersection of Nightingale Avenue unless leave is given to change the location of the same by resolution of the council.

22. The following rules and regulations in regard to the working of the railway shall be observed by the company:

- (a) The cars to be used on the said railway shall be propelled by electricity as the motive power, and smoking will be allowed on the rear two seats and rear platforms of open cars.
- (b) The council of the corporation may require that the cars used shall commence running from the easterly terminus of the railway hereby authorized to be constructed as early as 6.30 o'clock in the forenoon of each day of the year, and that they shall continue to run for sixteen and one-half hours thereafter, the last car going east to leave the corner of Dundas and Richmond Streets in the city of London not earlier than eleven o'clock p.m., and shall run through to the easterly terminus of the railway hereby authorized to be constructed, but the company may at their own option run their cars for more than sixteen and one-half hours in each day.
- (c) The company shall use only passenger cars, mail and express cars, cars used for the construction of the company's railroad whilst the same is being constructed, cars for hauling gravel, cars for street watering, snow cars for the purposes mentioned in this by-law, and such other cars as the council of the corporation may from time to time by by-law permit, and all cars of every description used by the company shall be used and run under and subject to such regulations as the council of the corporation may from time to time by by-law prescribe.
- (d) The company may charge and collect from every person on entering any of their cars for a continuous journey of any distance on their railway hereby authorized to be constructed from any point thereon to any other point, a sum not exceeding three cents or one city ticket which shall be accepted by the company in lieu of the cash fare of three cents, and shall sell tickets at the price of twenty-five cents for five tickets, each ticket to entitle the holder to one continuous journey on the cars as aforesaid between any point upon the railway hereby authorized to be constructed and any point on the company's railway in the city of London as now existing or hereafter in any way extended, and from any point on the company's railway in the city of London as now existing or hereafter in any way extended to any point on the railway hereby authorized to be constructed, and shall also carry children free where such children are under five years of age accompanied by a parent or other person having them in charge; children between the ages of five and twelve years shall be carried for a cash fare of three cents, and the company shall sell seven children's tickets good for children between the ages of five and twelve years, at the price of twenty-five cents, and said tickets shall entitle the said children to be carried upon the company's cars between any point upon the railway hereby authorized to be constructed, and any point on the company's railway in the said city of London as now existing or hereafter in any way extended, and from any point on the company's railway in the said city of London as now existing or hereafter in any way extended to any point on the railway hereby authorized to be constructed.

And the company shall also carry free of charge all police constables in uniform, all health inspectors and other officers of the corporation in uniform or wearing badges. The fare set out in this section shall not apply to chartered or private cars.

- (e) Cars running in the same direction or in opposite directions on the same track shall not approach each other within the distance of sixty feet except in cases of accident or when it may be necessary to connect them together, or at stations and turn-outs, and the rate of speed of all cars shall be from time to time subject to the direction of the said Council of the Corporation, and the rates of speed may vary on different parts of the line.
- (f) No car shall be allowed to stop on or over a crossing or in front of any intersecting streets, except to avoid collision or to prevent danger to persons in the streets or for other unavoidable reasons, and no cars shall be left or remain standing in the street at any time unless waiting for passengers, and no more than three cars shall be coupled together.
- (g) There shall be no less than two men in charge of each moter car, and at least one man in charge of each trailer or other car.
- (h) Careful, sober and civil agents conductors and officers shall at all times be employed to take charge of the cars on the said railway.
- (i) It shall be the duty of the motorman in charge of cars while on the road to keep a vigilant watch for all teams, carriages and persons on foot (and especially children) either upon the track or moving towards it, and to stop the car in the shortest time and space possible on the slightest appearance of danger.
- (j) The conductor shall announce to the passengers the names of the streets as the car approaches them.
- (k) The conductors and motormen shall bring the cars to a stop (when passengers request to get on or off the cars) at all street intersections and such other places as may be from time to time designated by the said Engineer, provided that two stopping places are not so designated within the distance of 400 feet.
- (l) The conductor shall not allow any woman, or child, or aged or infirm person to enter or leave the car while in motion, and no passenger shall be allowed to enter or leave the cars on the left side (looking forward) of the car.
- (m) The cars after sunset shall be provided with colored signal lights and a bright head-light on every motor car, all to be the same as those approved of by Engineer of the City of London, for cars running upon the Company's lines in said City, and each motor car shall have a gong attached to it which shall be kept ringing at all times when approaching a crossing, or when necessary to give warning.
- (n) The cars shall be entitled to the track, and any horse or vehicle upon the track of the Company shall turn out when any car comes up so as to leave the track unobstructed, but a reasonable time and notice by ringing of gong shall be given by the motorman, and anyone placing an obstruction upon a track except as authorized by this by-law, or the driver of any vehicle refusing to turn out when requested so to do by the motorman of any car shall be liable to a penalty not exceeding ten dollars, and the costs of prosecution on conviction before a Justice of the Peace for the County of Middlesex, and such penalty may be imposed for every day such obstruction may continue, but the imposition of any penalty under this by-law

shall not relieve the persons causing such obstruction from liability for damages or from any other liability or penalty imposed by law ; but if any person or persons shall have any cause to remove any building or other large and heavy substance, such person or persons shall be allowed reasonable and sufficient time between the hours of 11 p. m. and 6 a. m. to remove, load or unload the same without being liable to the penalty attached by this sub-section provided that any person or persons before removing any building along or across the railway track shall first obtain the consent in writing of the said Engineer for such removal and shall give reasonable notice thereof to the Secretary or Manager of the Company and shall pay the Company the cost of cutting their wires and splicing them.

- (o) Ten hours shall constitute a working day and no employee of the company shall be permitted to work in the service of the company for a longer period than 240 hours in any lunar month.
- (p) Any conductor or other employee of the company who shall request or demand from any passenger more than the fare prescribed by this by-law shall, on conviction thereof in the magistrate's court, pay a fine of not less than five dollars for each offence.
- (q) The company shall keep a sufficient supply of tickets for sale upon all their cars and service on the said railway and they shall sell tickets to all persons desiring to purchase the same at the rates mentioned in sub-section "d" of section 22 hereof, and each conductor or person in charge of a car shall furnish necessary change to the amount of two dollars but not more, when required by any passenger.
- (r) The speed and services necessary on the said railway shall be determined from time to time and may be altered, changed or varied by the order of the said engineer, approved by the council of the corporation, and there shall not be more than sixty minutes between two successive cars running in the same direction on the said railway.
- (s) In case the electric motors or cars used by the company in operating the railway hereby authorized to be constructed, whilst passing along the said railway, cause alarm to any horses travelling or being upon or near the Governor's Road with vehicles or otherwise, the motorman shall, if necessary, stop the cars to enable the horses so alarmed to pass without accident or injury.

23. In case of a breach on the part of the company of any of the provisions of the foregoing regulations lettered *b, c, d, f, g, l, m, o, q*, the company shall pay to the corporation for every day in which default or breach shall happen, as liquidated and ascertained damages, the sum of ten dollars, and, in case such breach of any of the said regulations lettered *d, q* and *r*, shall continue for ten days after notice in writing forbidding it shall have been given by the corporation to the company the corporation may put an end to the powers conferred on the company by this by-law, or any other by-law or agreement heretofore or hereafter passed or made, and in that event the corporation may exercise the other powers contained in section 38*b*.

24. The company shall from time to time adopt and use all the most improved safe-guards against and means of preventing accidents and injury in the working and running of their railway, and the same shall be from time to time similar to those approved of and used on the company's cars in the said City of London.

25. No motive power other than electricity shall be used by the company, except with the approval of the corporation, unless in cases of accident or necessity, and then only under the written permission of the said engineer, when horses or mules may be used for the time so permitted by the said engineer.

26. The company shall not in any case connect any of their wires with any underground water or other pipes or mains.

27. It is hereby reserved to the council of the corporation to make, and the council shall have the right to make such further rules, regulations, orders and by-laws in relation to the repairs and operations of the said railway as from time to time may be deemed necessary to protect the interests of the corporation, and to provide for the safety, welfare, or accommodation of the public, but no alteration in these rules shall be made which shall have the effect of impairing the substantial rights of the company under this by-law.

28. Nothing herein contained shall entitle the company to run their cars or operate their railway on Sunday.

29.—(1) The poles to be used for the company's wires may be iron or wooden poles, and, if wooden, the poles shall all be straight and perpendicular, and as nearly as possible of the same shape and size, and shall be dressed throughout, and shall be painted, and shall be placed on the sides of the road close to the sidewalk unless otherwise directed by the said engineer.

(2) In case any poll shall be placed or erected otherwise than in accordance with the provisions of this section, the corporation may require it to be immediately removed and replaced by a proper one.

30.—(1) Whenever the company shall remove any snow or ice from their tracks, or any part thereof, the same shall be entirely removed by them from the highway, or shall be evenly spread over the highway under the direction and to the satisfaction of the said engineer, if and so long as the engineer directs the company by notice so to do, and whenever the snow and ice is removed from their tracks, the company shall, when removing the same, slant down the adjoining snow and ice to such a distance outside of the tracks as to make the highway safe and even for the travelling public, and to the satisfaction of the said engineer.

(2) In the event of the company neglecting to remove or level the snow and ice from the said roadway, as and when directed by the said Engineer, the same may be removed by the said Engineer acting on behalf of the corporation, and the cost of such removal shall be paid by the company to the corporation on demand.

31. Nothing in the next preceding section contained shall be deemed to authorize or permit any person to deposit on the said roadway any snow or ice.

32. The company shall not use salt for the removal of any snow or ice.

33. All rights hereby granted are so granted subject to any existing rights, statutory or otherwise, which are now possessed by any gas, telegraph, telephone, electric light or other company, in or in respect of the said highway.

34. In all the section of this by-law in which the time of the day is mentioned, such time shall be understood to mean what is known as eastern standard time.

35. Should the company at any time cease to regularly use for the purposes of their railway, for a period of five months, the poles and wires and overhead appliances and construction which shall be placed by the company in the road, the said Engineer or the council of the corporation may give written notice to the company (which may be served by leaving the same at the office of the company in the said City of London, or by

mailing the same by registered letter addressed to the company at the said City of London directing the company to remove the said poles and wires and overhead appliances and construction, and, if the company shall not within one month after the service of such notice, at their own expense, remove such poles, wires and overhead appliances and construction and put the streets in proper repair, and to the satisfaction of the said Engineer, the corporation may do so and charge the expense thereof to the company, who shall pay the same to the corporation on demand.

36. All passenger cars running on the company's railway within the limits of the corporation of the Township of London shall make a continuous trip without transfer between the corner of Dundas Street and Richmond Street in the City of London and the eastern terminus of the railway hereby authorized to be constructed and return, except during the holding of the Western Fair or any holiday.

37.—(1) The company shall, if required so to do by the corporation, receive and forward with all diligence and despatch free of charge, except as hereinafter provided, the passenger, mail, express, freight and baggage cars, and the passengers and goods thereon of all radial or other electric railway companies, which may during the continuance of this by-law, or of the rights of the company thereunder, desire the company so to do, over the tracks of the company hereby authorized to be constructed, the company to have charge and control of all cars while the same are passing along their tracks, and to furnish motormen and conductors for that purpose. The company to have the right to collect the regular fares as provided by this by-law from all passengers on the said cars hauled by them as aforesaid, and all such passengers shall be entitled to transfers to any part of the city from the said radial or other electric railway company's cars to and upon the company's cars or vice versa, upon payment of one city fare to the company. The compensation to be paid for hauling mail, express, baggage and freight to be, in case the parties differ about the same, determined by arbitration in the same manner as provided in section 20 hereof, but in determining the said price to be paid, the said arbitrators shall not take into consideration the franchise of the said company but shall fix a reasonable compensation therefor, having regard only to the operating expenses of the said road.

(2) In case the company refuse or neglect to carry out any of the provisions of sub-section 1 of this section to the satisfaction of the corporation of the said Radial or other electric railway company or companies, the matter in dispute and the damages (if any sustained thereby) shall be determined by arbitration in the same manner as provided in section 20 hereof and the corporation, the company or any of the said radial electric railway companies shall be entitled to enforce the said award. In case of an arbitration between the company and any other person or company under the provisions of this section, the arbitrator to be appointed on behalf of such company or person shall be appointed by such company or person and not by the corporation.

(3) In all arbitrations under this by-law the majority of the arbitrators shall be competent and are hereby authorized to make an award, and an award so made shall be as valid and binding as if assented to by all the arbitrators.

37. (b) In the event of part of the Township of London in which is situate the whole or part of the said highway is incorporated with and becomes part of the City of London, then the provisions herein contained for maintenance and repair shall, as to the part of the highway so incorporated, become null and void, but the provisions for repair and maintenance provided by said by-law No. 916 of the City of London, or as the same may be hereafter amended, shall become and be applicable to such part of the highway so incorporated as aforesaid.

38. In case of non-payment of any fine and costs imposed under sub-section (n) or sub section (p) of section 22 of this by-law, the same may be levied by distress and sale of the goods and chattels of the offender ;

and, in case of non payment of the fine, and there being no distress found out of which the same can be levied, such offender shall be liable to be imprisoned in the common gaol of the County of Middlesex, with or without hard labor, for any period not exceeding twenty-one days.

38 (b) In the event of the company failing or neglecting to construct their said railway as hereinbefore provided in substantial conformity with the provisions of this by-law, or in the event of the company failing or neglecting for the space of thirty days to maintain and operate their said railway in substantial conformity with the provisions of this by-law, or for the space of thirty days, whether consecutive or not, in any year, the corporation, by resolution of the council thereof, may declare that all the privileges and rights which the company may have acquired by this or any other by-law hereafter passed, or by any agreement with the corporation heretofore or hereafter made, are at an end, and may repeal the by-laws connected therewith, and the said privileges and rights shall thereupon cease and be at an end accordingly, and the said agreement rescinded and in such case the corporation shall have the right to require all obstructions and materials placed in said streets by the company under any such by-law or agreement to be removed therefrom and the said streets put in as good condition and repair as they were before the said materials and obstructions were placed therein, and the expense thereof shall be paid to the corporation by the company; and the corporation shall also have the right to run the said railway and to grant the same rights and privileges to any other company free from all liability or damage on account thereof

39. The corporation will join with the company in applying to the Legislature of the Province of Ontario for legislation confirming and ratifying this by-law and the agreement to be entered into between the corporation and the company referred to in the forty-first section hereof and declaring the same to be valid and binding upon the parties hereto, all expenses in connection with the procuring of such legislation to be paid and borne by the company, providing that the Act of the Legislature so confirming and ratifying this by-law and the said agreement shall contain as a section thereof the words following, or to the like effect, that is to say:

"If the company shall fail or neglect to keep, observe perform or comply with any of the provisions of this by-law, in which the residents of the municipality, or the corporation or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the company, the corporation may bring an action in the high court of justice against the company, and all other necessary parties, to compel the keeping, observing, performing of and complying with such provisions; and the court shall have full power and jurisdiction in the premises, and to enforce by injunction or otherwise, the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of this by-law in which residents of the municipality or the corporation or any other person or corporation are interested."

40. The word "engineer" wherever it refers in this by-law to the engineer of the corporation shall mean the present county commissioner of the county of Middlesex or his successor in office, or such other person as may from time to time be designated and appointed by resolution of the council of the corporation to perform the duties of engineer under this by-law, and shall not mean the engineer appointed by the said council of the corporation under *The Ditches and Watercourses' Act*, or under *The Drainage Act*.

41. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the corporation unless or until formally accepted by the company within forty days after the passing thereof by an agreement which shall legally bind the company to pay to the corporation the sums mentioned in this by-law, and to perform, observe and comply with all the agreements, obligations, terms and conditions herein

contained, and shall be approved by the solicitors for the corporation and such agreement when so approved, shall also be executed under the seal of the corporation and the reeve thereof.

Passed in open council, this fourteenth day of August, A.D. 1897.

(Sgd.) JAS. H. HODGINS,
Reeve.

(Sgd.) JAMES GRANT,
Clerk.

[Seal]

ARTICLES OF AGREEMENT made the fourteenth day of August, A.D. 1897, between the corporation of the Township of London (hereinafter called the corporation), of the first part; and the London Street Railway Company (hereinafter called the Company), of the second part.

Whereas, by an Act of the Legislature of the Province of Ontario passed on the 29th day of March, A.D. 1873, entitled *An Act to incorporate The London Street Railway Company*, it is amongst other things provided that the council of the corporation and the company may make and enter into any agreements or covenants relating to the construction of the said railway for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways; the location of the railway and the particular streets along which the same shall be laid; the pattern of the rail, the time and speed of running the cars, the time within which the works are to be commenced, the manner of proceeding with the same and the time for completion and generally for the safety and convenience of passengers; the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic.

And whereas the council of the corporation on the fourteenth day of August, in the year of our Lord one thousand eight hundred and ninety-seven, passed a by-law numbered 391, granting to the company certain rights for the construction, maintenance and operation of a street railway upon and along that portion of the road allowance between the first concession and concession "C" in the township of London, commonly called the Governor's Road, lying between the easterly limit of the city of London and the track of the Stratford branch of the Grand Trunk Railway, upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions, and things therein contained, a true copy of which said by-law is hereto annexed.

And whereas these presents are intended to give effect to the said by-law and the same have been approved of by the corporation solicitor.

Now these presents witnesseth that in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the company, the company do, for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors in manner following, that is to say:

That the company do hereby accept the said by-law, and that the company, their successors and assigns, will in all things conform to, obey, perform, observe, fulfill and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said by-law granted to the company, and will do and perform all acts, matters and things which the said by-law provides shall be done by or on behalf of the company, and will not do

anything which the said by-law provides is not to be done by the company, and the corporation do hereby ratify and confirm the said by-law and the rights and privileges thereby granted to the company, subject however to all the terms, conditions, agreements, stipulations, regulations, obligations, provisos and things in said by-law contained.

In witness whereof the corporation have caused to be affixed their corporate seal and the Reeve and Clerk have set their hands and the company have caused to be affixed their corporate seal and their President and Secretary have set their hands the day and year first above written.

Signed, sealed and delivered
in the presence of

E. R. CAMERON.

{	JAS. H. HODGINS,	
	Reeve.	[Seal]
{	JAMES GRANT,	
	Clerk.	
{	H. EVERETT,	
	President.	[Seal]
)	C. A. E. CARR,	
	Secretary.	

No. 61.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the London Street
Railway Company.

First Reading. 1899.

(Private Bill.)

MR. GERMAN.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 61.]

BILL.

[1899

An Act respecting The London Street Railway Company.

WHEREAS The London Street Railway Company were **Preamble.**
incorporated by an Act of the Ontario Legislature passed in the 36th year of the reign of Her Majesty Queen Victoria, chaptered 99, with the powers therein set forth, and the company was authorized and empowered to construct, maintain, complete and operate a double or single iron railway with the necessary side tracks, switches and turn-outs for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets and highways in the municipality of the city of London and of any of the adjoining municipalities, subject to agreements to be made between the company and the said municipalities, which Act was amended by an Act passed in the 58th year of the reign of Her Majesty Queen Victoria, chaptered 107; and whereas, in accordance with the said last mentioned Act, the company have extended their said railway to a point at or near Springbank on the River Thames in the township of Westminster; and whereas for the purpose of so extending their said railway the Company have constructed the same upon, over and along a private right of way in the township of Westminster; and whereas, The London Street Railway Company have by their petition prayed for an Act confirming by-laws numbers 1010 and 1025 of the corporation of the city of London dated respectively the 13th day of July and the 8th day of November, 1897, and certain agreements made in pursuance thereof between the said petitioners and the said corporation of the city of London

bearing date respectively the 28th day of July, 1897, and the 22nd day of December, 1897; and have by their said petition further prayed for an Act confirming by-law number 391 of the township of London dated the 14th day of August, 1897, and the agreement of even date therewith made in pursuance thereof between the said petitioners and the said corporation of the township of London; and have by their said petition further prayed for an Act confirming by-law number 567 of the township of Westminster dated the 15th day of September, 1898; and whereas it is expedient to grant the prayer of the said petition—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement
and by-laws of
the city of
London con-
firmed.

1. The agreements between The London Street Railway Company and the corporation of the city of London dated the 28th day of July, 1897, and the 22nd day of December, 1897, and the by-laws numbered 1010 and 1025 respectively therein referred to and incorporated therewith, which are set out in schedules A and B respectively to this Act, are hereby declared to be valid and legal and to be binding upon the parties thereto.

Agreement
and a by-law
of the town-
ship of Lon-
don confirmed

2. The agreement between The London Street Railway Company and the corporation of the township of London dated the 14th day of August, 1897, and the by-law numbered 391 therein referred to and incorporated therewith, which are set out in schedule C to this Act, are hereby declared to be valid and legal and to be binding upon the parties thereto.

Authority of
corporation to
inforce per-
formance of
provisions of
by-law against
company.

3. If the said company shall fail or neglect to keep, observe, perform or comply with any of the provisions of *any of the said by-laws* in which the residents of the municipality or the corporation or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the company, the corporation may bring an action in the High Court of Justice against the company and all other necessary parties to compel the keeping, observing, performing of and complying with such provisions, and the court shall have full power and jurisdiction in the premises to enforce by injunction or otherwise the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of *the said by-laws* in which residents of the municipality or the corporation or any other person or corporation are interested.

36 V. c. 99,
sec. 6 amended

4. Section 6 of the Act to incorporate The London Street Railway Company, being chapter 99 of the Act passed in the 36th year of Her Majesty's reign is amended by inserting the words "at least" in the third line thereof before the word "five"; and by striking out the word "three" in the eleventh

line thereof and inserting in lieu thereof "a majority of the"; and by adding the following to section 6 as sub-section "a."
 "(a)—The company may by by-law increase or decrease the number of its directors."

SCHEDULE A.

(Section 1.)

BY-LAW No. 1010. RESPECTING THE LONDON STREET RAILWAY COMPANY.

Whereas, by By-law No. 916 respecting The London Street Railway Company, passed on the twenty-first day of May, A.D. 1895, and certain articles of agreement between the Corporation of the City of London (hereinafter called the Corporation) and The London Street Railway Company (hereinafter called the Company), bearing date the sixth day of June, A.D. 1895, it was provided that the Company should complete their railway and have the electric cars running efficiently and the whole of the works in full operation upon all of the streets and portions of streets mentioned in sub-section 2 of section 50 of the said by-law within eighteen months from the passing of the said by-law ;

And whereas it was further provided by the said by-law and agreement that the Company should, instead of extending their tracks on the Hamilton Road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street, provided a free crossing were obtained over the Grand Trunk Railway Company's tracks on Rectory street, within one year from the passing of the said by-law, lay their tracks on Rectory street from Dundas street southerly to the Hamilton road within the period of eighteen months from the passing of the said by-law ;

And whereas the Hamilton road from Rectory street to Egerton street and Egerton street from Hamilton road to Pine street are portions of the streets mentioned in sub-section 2 of section 50 of the said by-law, upon which the Company were to complete their railway and to have the electric cars running efficiently and the whole of the works in full operation within eighteen months from the passing of the said by-law as hereinbefore recited ;

And whereas, by By-law No. 975 respecting The London Street Railway Company, passed on the fifth day of October, A.D. 1896, the time for laying the Company's tracks on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street, the completion of the said railway thereon, the running of the electric cars and the having of the whole of the works in full operation upon the said portions of the said streets was extended for a period of six months from the passing of the said last mentioned by-law ;

And whereas it was further provided by the said last mentioned by-law that, in the event of a free crossing being obtained over the Grand Trunk Railway Company's tracks on Rectory street within three months from the passing of the said last mentioned by-law, the company should, instead of extending their tracks on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine

street, lay their tracks on Rectory street from Dundas street southerly to the Hamilton road and complete their railway and have the electric cars running efficiently and the whole of their works in full operation upon the said portion of the said street within six months from the passing of the said last mentioned by-law, in default of which all the privileges granted to the company by the said by-law No. 916 should cease, determine and be at an end, and, in that event the corporation might exercise the other powers contained in section 56 of the said by-law No. 916 ;

And whereas a free crossing cannot be obtained over the Grand Trunk Railway company's tracks on Rectory street and the company have requested the company to extend the time for the laying of their tracks on Rectory street aforesaid, the completion of the said railway thereon, the running of the electric cars and the having of the whole of the works in full operation upon the said portion of the said street for a period of three months from the passing of this by-law and agree with the corporation that, in the event of such time being extended as aforesaid, they will (notwithstanding that a free crossing cannot be obtained over the Grand Trunk Railway Company's tracks on Rectory street), without any expense or liability of the corporation for any work or materials which may be done or furnished in the crossing of the said tracks, or any expense to or liability of the corporation in respect of the construction or maintenance of the said crossing or the signals thereat or other safeguard or otherwise howsoever, within the said period of three months lay their tracks on Rectory street from Dundas street southerly to the Hamilton road in lieu of laying the same on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street, and will have their said railway completed upon the said portion of Rectory street and the electric cars running efficiently thereon and the whole of the works in full operation upon the said portion of Rectory street within the said period of three months from the passing of this by-law, in default of which all the privileges granted to the company by the said by-law No. 916 and this by-law shall cease, determine and be at an end, and, in that event, the corporation may exercise the other powers contained in section 56 of the said by-law No. 916 ;

And whereas it is expedient to grant the said request of the company upon condition that within four weeks from the passing of this by-law the company enter into an agreement with the corporation which shall legally bind the company to carry out the agreement in the next preceding recital hereof mentioned and which also shall stipulate and legally bind the company that nothing in this by-law contained shall prejudice or effect the rights of the corporation under the said by-law No. 916 and the agreement between the company and the corporation, dated the sixth day of June, A.D. 1895, except as varied by this by-law and that, save as varied by this by-law, the said by-law and agreement, shall be and remain valid and binding upon the company, their successors and assigns ;

Be it therefore enacted by the municipal council of the corporation of the city of London as follows :

1. That the company shall, instead of laying their tracks on the Hamilton road, from Rectory street to Egerton street, and on Egerton street from the Hamilton road to Pine street, lay their tracks on Rectory street from Dundas street southerly to the Hamilton road and complete their said railway thereon, and have their electric cars running efficiently and the whole of their works completed and in full operation upon the said portion of the said street within three months from the passing of this by-law, in default of which all the privileges granted to the company by the said by-law No. 916 or by this or any other by-law of the corporation, shall cease, determine and be at an end, and in that event, the corporation may exercise the other powers contained in section 56 of the said by-law No. 916.

2. That in the event of the company laying their tracks on Rectory street within the time and as provided by the next preceding paragraph hereof,

the laying of their said tracks shall be accepted by the corporation in lieu of laying their tracks upon the Hamilton road, from Rectory street to Egerton street, and on Egerton street from the Hamilton road to Pine street, as provided by the said by-law No. 916, and that any forfeiture which may have occurred by reason of the company not having laid their tracks on the Hamilton road from Rectory street to Egerton street, and on Egerton street from the Hamilton road to Pine street, be and the same is hereby waived, but such waiver shall not be deemed or assumed to extend to any instance or any breach (if any) of any of the covenants, conditions, terms, agreements, stipulations, regulations, obligations, provisions or things contained in the said by-law No. 916 and the said agreement bearing date the sixth day of June, A.D. 1895, or either of them, other than the breach hereinbefore referred to, and shall not be deemed a waiver of the benefit of any covenant, condition, term, agreement, stipulation, regulation, obligation, provision or thing contained in the said by-law and agreement, or either of them, save and except only the breach hereinbefore referred to.

3. That nothing in this by-law contained shall prejudice or affect the rights of the corporation under the said by-law No. 916 and the agreement between the company and the corporation bearing date the sixth day of June, A.D. 1895, except as varied by this by-law, and that, save as varied by this by-law, the said by-law and agreement shall be valid and binding upon the company, their successors and assigns.

4. This by-law and the powers and privileges hereby granted shall not take effect or be binding upon the corporation unless or until formally accepted by the company within four weeks after the passing of this by-law by an agreement which shall legally bind the company to perform, observe and comply with all the agreements, obligations terms and conditions herein contained, and shall stipulate and legally bind the company that nothing in this by-law contained shall prejudice or affect the rights of the corporation under the said by-law No. 916 and the agreement between the company and the corporation dated the sixth day of June, A.D. 1895, except as varied by this by-law, and that, save as varied by this by-law, the said by-law and agreement shall be and remain valid and binding upon the company, their successors and assigns.

Passed in open council this 13th day of July, A.D. 1897.

(Sgd.) C. A. KINGSTON,
Clerk.

(Sgd.) J. W. LITTLE,
Mayor.

[Seal.]

ARTICLES OF AGREEMENT, made this twenty-eighth day of July, A.D. 1897, between The London Street Railway Company (hereinafter called the company) of the first part, and the Corporation of the City of London (hereinafter called the corporation) of the second part.

Whereas the council of the corporation, by by-law No. 1010 passed on the thirteenth day of July, A.D. 1897, provided for the laying of the company's tracks on Rectory street from Dundas street southerly to the Hamilton road instead of laying the same on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street and made other provisions contained in the said by-law a true copy of which said by-law is hereto annexed ;

And whereas, these presents are intended to give effect to the said by-law and to bind the company to keep the terms contained in the said by-law and that nothing in the said by-law contained shall prejudice or affect the rights of the corporation under by-law No. 916 of the corporation passed on the twenty-first day of May, A.D. 1895, and the agreement between the company and the corporation dated the sixth day of June,

A.D. 1895, except as varied by the said by-law No. 1010, and that, save as varied by the said by-law No. 1010, the said by-law No. 916 and the said agreement between the company and the corporation dated the sixth day of June, A.D. 1895, shall be and remain valid and binding upon the company, their successors and assigns and that any waiver of any forfeiture which may have occurred by reason of the company not having laid their tracks on the Hamilton road from Rectory street to Egerton street from the Hamilton road to Pine street within the time limited therefore shall not be deemed or assumed to extend to any instance of any breach, if any, of any of the covenants, conditions, terms, agreements, stipulations, regulations, obligations, provisions or things contained in the said by-law No. 916, and the said agreement between the company and the corporation dated the sixth day of June, A.D. 1895, or either of them, other than the breach hereinbefore referred to and shall not be deemed a waiver of the benefit of any covenant, condition, term, agreement, stipulation, regulation, obligation, provision or thing contained in the said last mentioned by-law and agreement, or either of them, save and except only the breach hereinbefore referred to :

Now, these presents witness that, in consideration of the granting of the rights which are by the said by-law No. 1010 granted by the corporation to the company, the company do, for themselves, their successors and assigns, covenant, promise and agree to and with the corporation, their successors and assigns, in manner following, that is to say :

1. The company do hereby accept the said by-law No. 1010 and that the company, their successors and assigns, will in all things conform to, obey, perform, fulfill and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law No. 1010 contained, upon, under and subject to which the said rights are by the said by-law No. 1010 granted to the company, and that the company will, instead of laying their tracks on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street, lay their tracks on Rectory street from Dundas street southerly to the Hamilton road and complete their said railway thereon and have their electric cars running efficiently and the whole of the works completed and in full operation upon the said portion of the said street within three months from the passing of the said by-law No. 1010, in default of which all the privileges granted to the company by the said by-law No. 916 or by the said by-law No. 1010 or by any other by-law of the corporation shall cease, determine and be at an end, and, in that event, the corporation may exercise the other powers contained in section 56 of the said by-law No. 916.

2. That the company will do and perform all acts, matters and things which the said by-law No. 1010 provides are to be done by or on behalf of the company, and the company also covenant and agree with the corporation that nothing in the said by-law No. 1010 contained shall prejudice or affect the rights of the corporation under the said by-law No. 916 or the said agreement between the company and the corporation dated the sixth day of June, A.D. 1895, except in so far as the same are varied by the said by-law No. 1010 and that, save and except in so far as the same are varied by the said by-law No. 1010, the said by-law No. 916 and the said agreement between the company and the corporation dated the sixth day of June, A.D. 1895, shall be and remain valid and binding upon the company, their successors and assigns.

3. That any waiver by the corporation in the said by-law No. 1010 contained of any forfeiture which may have occurred by reason of the company not having laid their tracks on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street as provided by the said by-law No. 916 and by by-law No. 975 of the municipal council of the corporation passed on the fifth day of October, A.D. 1896, shall not be deemed or assumed to extend to any instance or any breach, if any, of any of the covenants, conditions, terms, agreements, stipulations, regulations, obligations, provisions or things

contained in the said by-law No. 916 and the said agreement bearing date the sixth day of June, A.D. 1895, or either of them, other than the breach hereinbefore referred to, and shall not be deemed a waiver of the benefit of any covenant, condition, term, agreement, stipulation, regulation, obligation, provision or thing contained in the said last mentioned by-law and agreement, or either of them, save and except only the breach hereinbefore referred to.

4. That the company will lay their tracks on Rectory street from Dundas street southerly to the Hamilton road and do the other works as provided by the first paragraph hereof without any expense to or liability of the corporation for any work or materials which may be done or furnished in the crossing of the Grand Trunk Railway Company's tracks on Rectory street aforesaid or any expense to or liability of the corporation in respect of the construction or maintenance of the said crossing or the signals thereat or other safeguards or otherwise howsoever.

In witness whereof the company have caused to be affixed their corporate seal and their president and secretary have set their hands, and the corporation have caused to be affixed their corporate seal and the mayor and city clerk have set their hands the day and year first above written.

Signed, sealed and delivered in duplicate in the presence of C. A. KINGSTON as to signature of J. W. LITTLE.

{ J. W. LITTLE, [Seal.]
Mayor.
C. A. KINGSTON,
City Clerk.

CHARLES H. IVEY as to signature of H. A. EVERETT and C. E. A. CARR.

{ H. A. EVERETT, [Seal.]
President.
C. E. A. CARR,
Secretary.

SCHEDULE B.

(Section 1.)

BY-LAW NO. 1025, RESPECTING THE LONDON STREET RAILWAY COMPANY.

Whereas the Legislature of the Province of Ontario, on the twenty-ninth day of March, 1873, passed an Act intituled "An Act to incorporate The London Street Railway Company," by which the said Company (hereinafter called the company) are authorized and empowered to construct, maintain, complete and operate a double or single iron railway with the necessary side tracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same upon and along such of the public streets and highways within the jurisdiction of the Corporation of the City of London (hereinafter called the corporation) as the company may be authorized to pass along, under and subject to any agreement to be made between the council of the corporation and the company and under and subject to any by-law of the corporation, and to take, transport and carry passengers and freight upon the same by the force or power of animals or such other power as the corporation may by by-law from time to time authorize to be used, and to construct and maintain all necessary works, buildings and conveniences therewith connected, and full power is given to the directors to make all by-laws for the management of the company;

And whereas the corporation and the company are by the said Acts respectfully authorized to make and enter into any agreements or cov-

enants relating to the construction of the said railway for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways, the location of the railway and the particular streets along which the same shall be laid, the pattern of the rail, the time and speed of running the cars, the time within which the works are to be commenced, and the manner of proceeding with the same, and the time for completion and generally for the safety and convenience of passengers, the conduct of the agents and servants of the company, and the non-obstructing or impeding of the ordinary traffic ;

And whereas the corporation are by the said Act authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreements or covenants and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the Company, and for the enforcing obedience thereto, and also for the facilitating of the running of the company's cars and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass ;

And whereas by by-law No. 916 respecting The London Street Railway Company passed on the 21st day of May, A.D. 1895, the consent, permission and authority of the corporation was given and granted to the company to construct, complete, maintain and operate during the remainder of the term of fifty years from the eighth day of March, A.D. 1875, a service electric street railway on the trolley system upon and along certain streets of the said City of London, particularly mentioned in the said by-law, upon and subject to the conditions and agreements thereafter contained ;

And whereas the company has applied to the municipal council of the corporation for permission to extend, construct, maintain and operate their railway on High street from Maryboro' Place to Tecumseh Avenue and on Tecumseh Avenue from out High street to a point distant one hundred and twenty feet westerly therefrom, in the sixth ward in the said City of London, and the said council has consented to grant the same upon and subject to the conditions and agreements hereinafter referred to ;

Be it therefore enacted by the municipal council of the corporation of the City of London as follows :

1. The consent, permission and authority of the corporation is hereby given and granted, so far as the corporation hath power to give and grant the same, to the company to construct, complete, maintain and operate during the remainder of the said term of fifty years from the eighth day of March, A.D. 1875, a surface electric street railway on the trolley system, for the passage of cars, carriages and other vehicles adapted to the same, upon and along High street from Maryboro' Place to Tecumseh avenue, and Tecumseh avenue from High street to a point distant one hundred and twenty feet westerly therefrom, in the sixth ward in the said City of London, in the manner and upon and subject to all the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things contained in the said by-law No. 916, passed on the twenty-first day of May, A.D. 1895, all of which terms, conditions, agreements stipulations, regulations, obligations, provisoes and things in the said by-law contained are hereby declared to form part of this by-law as if the same were fully set out therein.

2. One track only, without any switches, loops, turn-tables, cross-overs, side-tracks, turn-outs, or other works, save and except only a "Y" shall be laid on the said portions of the said streets, but a "Y" may be laid either upon the said portion of High street or the said portion of Tecumseh avenue or partly on the said portion of High street and partly on the said portion of Tecumseh avenue.

3. The laying of the track upon the said portions of the said streets shall not be deemed a laying down of new lines or an extension of tracks within the meaning of section 21 of the said by-law No. 916.

4. This by-law and the powers and privileges hereby granted shall not take effect or be binding upon the corporation unless and until formally accepted by the company within sixty days from the passing thereof by an agreement which shall legally bind the company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained and referred to, and shall be approved by the city solicitor, and such agreement, when so approved, shall be executed under the city's seal by the mayor or the chairman of No. 1 committee and the city clerk.

Passed in open council, this eighth day of November, A.D. 1897.

(Sgd.) C. A. KINGSTON,
Clerk.
J. W. LITTLE,
Mayor.

[Seal]

ARTICLES OF AGREEMENT made the 22nd day of December, A. D. 1897, between the Corporation of the City of London (hereinafter called the Corporation) of the first part, and the London Street Railway Company (hereinafter called the Company) of the second part.

Whereas, by an Act of the Legislature of the Province of Ontario, passed on the twenty-ninth day of March, A. D. 1873, entitled "*An Act to Incorporate The London Street Railway Company*," it is amongst other things provided that the council of the corporation and the company may make and enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers and the laying of gas and water pipes in the said streets and highways; the location of the railway and the particular streets along which the same shall be laid; the pattern of the rail; the time and speed of running the cars; the time within which the works are to be commenced; the manner of proceeding with the same, and the time for completion and generally for the safety and convenience of passengers; the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic;

And whereas, the council of the corporation of the City of London on the eighth day of November in the year of our Lord 1897, passed a by-law numbered 1025, granting to the company certain rights for the construction, maintenance and operation of a street railway upon and along Hight street from Maryboro Place to Tecumseh avenue and Tecumseh avenue from High street to a point distant one hundred and twenty feet westerly therefrom in the Sixth ward in the said City of London, upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a true copy of which said by-law is hereto annexed;

And whereas these presents are intended to give effect to the said by-law and the same have been approved of by the city solicitor:

Now these presents witness that, in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the company, the company do, for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors in manner following, that is to say:—

That the company do hereby accept the said by-law and that the company, their successors and assigns, will in all things conform to, obey,

perform, observe, fulfil and keep all and every the terms, conditions agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said by-law granted to the company and will do and perform all acts, matters and things which the said by-law provides are to be done by or on behalf of the company, and will not do anything which the said by-law provides is not to be done by the company.

And the corporation do hereby ratify and confirm the said by-law and the rights and privileges thereby granted to the company, subject, however, to all the terms, conditions, stipulations, regulations, obligations, provisos and things in the said by-law contained

In witness whereof the corporation have caused to be affixed their corporate seal and the Mayor and City Clerk have set their hands and the company have caused to be affixed their corporate seal and their President and Secretary have set their hands the day and year first above written.

Signed, sealed and delivered
In the presence of
W. H. DOUGLAS.

{ J. W. LITTLE, [Seal.]
Mayor.
C. A. KINGSTON,
City Clerk.

W. H. DOUGLAS.

{ H. A. EVERETT, [Seal.]
President.
C. F. A. CARR,
Secretary.

SCHEDULE C.

(Section 2.)

BY LAW NO. 391 RESPECTING THE LONDON STREET RAILWAY COMPANY.

Whereas the Legislature of the Province of Ontario, on the 29th day of March, 1873, passed an Act entitled "An Act to Incorporate the London Street Railway Company," by which the said company (hereinafter called the company) are authorized and empowered to construct and operate a railway in any of the municipalities adjacent to the City of London, subject to any agreement to be made between the council of such municipality and the company, and under and subject to any by-law of the municipality.

And whereas the Township of London is a municipality adjacent to the said City of London.

And whereas the corporation of the said Township of London (hereinafter called the corporation) and the company, are, by the said Act, respectively authorized to make and enter into any agreements relating to the construction and operation of the said railway.

And whereas the corporation are, by the said Act, authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreement or agreements.

Be it therefore enacted by the municipal council of the corporation of the Township of London as follows :

1 The consent, permission and authority of the corporation is hereby given and granted to the company to construct, complete, maintain and operate, during the remainder of the term of fifty years from the eighth day of March, A.D. 1875, a surface electric street railway, on the trolley system, consisting of a single track with one turnout or switch for the pas-

sage of cars, carriages and other vehicles adapted to the same upon and along that portion of the road allowance between the first concession and concession "C" of the Township of London, commonly called the Governor's road, lying between the easterly limit of the City of London and the track of the Stratford branch of the Grand Trunk Railway, and to erect all necessary poles and wires, electric appliances and overhead construction along such road allowance for the completion of the railway on the trolley system and to operate such railway by running cars thereon by means of electricity as a motive power during the term herein specified, upon and subject to the conditions and agreements hereinafter mentioned or contained.

2. The construction of the said Electric Street Railway shall be completed and the electric cars running efficiently on the same within six weeks after the Engineer for the corporation has given a certificate to the company declaring that the highway has been graded, gravelled and repaired to his satisfaction in accordance with the terms of an agreement between the parties hereto bearing even date herewith, and on default of which all the privileges granted to the company by this by-law shall cease, but in case, from any cause whatsoever, the said grading shall not have been done and the said road placed in repair to the satisfaction of the said Engineer on or before the first day of October, A. D. 1897, all the privileges granted to the company by this by-law shall cease and determine.

3. The tracks of the said Railway, and all works necessary for constructing and laying the same, shall be built and made in a substantial manner, and according to the best modern practice, under the supervision of the Engineer of the corporation and to the satisfaction of the said Engineer, and the roads in which any work is done by the company shall, by and at the expense of the company, who shall furnish at their own expense all necessary materials, be left in as good a state and condition, and to the satisfaction of the said engineer when the rails are laid, and the other necessary work of the company is done, as they were at the time they were broken up, opened or interfered with by the company.

4. The said railway shall be of the gauge of four feet eight and one-half inches, and the rails shall be what are known as "T" rails, and shall weigh not less than fifty-six pounds per yard and be of a similar pattern to that used on Dundas Street in the Village of London West, and the same shall be laid, kept and maintained flush with the said streets, and in such manner as shall least obstruct the free and ordinary use of the streets and the passing of vehicles and carriages over the same.

5. The said railway shall be laid in the centre of the street and where a switch or turnout is used the same shall be laid so that the inside rail of each track shall be within two feet of the centre line of the street.

6. (1) The tracks shall conform to the grade of the said road as the same shall be established by the Engineer of the corporation before the commencement of the work, and the said Engineer shall immediately after the said grading has been done to his satisfaction give his certificate to the company to that effect, and shall within one week after the giving of such certificate if requested in writing by the company to do so, give the company the grades, and such notice shall be sufficiently given if mailed by registered letter addressed to the said Engineer at the county buildings in the City of London.

(2) All the work and material necessary to be done and supplied by the Company in order to comply with the provisions of this by-law shall be done and supplied under the supervision and to the satisfaction of the said Engineer.

7. (1) The said road shall be kept and maintained by the company during the continuance of this by-law and of the extension of the company's rights thereunder (if any) in the following shape and condition: The surface of the road shall be level with the rails between the same and shall

gradually and evenly drop from the said rails to the sides at a grade of ten inches in fifteen feet to the lowest point thereon which shall not be nearer than twenty-two feet from the centre line of the road, and from the said lowest point to the said sides of the road for a further distance of two feet on each side thereof shall gradually and evenly rise at a grade of six inches in the said two feet, and the said highway shall be kept properly graded and gravelled to the satisfaction of and under the direction of the said Engineer from the centre line to a distance on each side thereof of at least fifteen feet, and shall be properly drained on each side thereof with tile placed in the bottom of the present ditches in accordance with the plans and specifications attached to an agreement bearing even date herewith and made between the said corporation and the said company, and shall keep the tile drain in good and sufficient repair for the period of five years from the date of the completion of the work as provided in paragraph two hereof, and shall leave the same in good and sufficient repair at the expiration of the said five years, and all the highway for a width of forty-eight feet, being twenty-four feet on each side of the centre line of the road shall be kept free from ruts, hollows, depressions and defects of any description and in thorough repair to the satisfaction of the said Engineer, or renewed from time to time by the company at its own expense to the satisfaction of the said Engineer, all the materials to be furnished by the company and to be satisfactory to the said Engineer, and all the said work to be done to his satisfaction, and when and as required by him.

(2) The company shall construct and maintain in good repair crossings on the said road at the intersection of the said road with any street which the same shall now or may hereafter cross at its own expense.

8. While the rails are being laid, or any of the works of the company are in course of construction or repair, the company shall cause a free passage to be kept open for carriages and vehicles, and all surplus street material shall be either removed or spread over the street, from which the same shall be taken, as shall be directed by the said engineer.

9. The corporation and the council of the corporation and their respective officers, servants and contractors, shall have the right to take up the road and remove the company's tracks therefrom either for the purpose of altering the grades thereof, constructing or repairing all drains, sewers or culverts, or laying down or repairing gas or water pipes, or for any other purpose for the time being within the powers, privileges, duties or obligations of the corporation without being liable to the company for any damage that may be thereby occasioned to the said railway or the works connected therewith or the working thereof, or to the company and the corporation shall not be liable to the company for any damage the company may sustain from the breakage, leakage, or stoppage of sewers or drains or water pipes, or from the exercise by the corporation of any of their said powers.

10. In case the company shall fail to do, to the satisfaction of the said engineer, any work or thing which by the terms of this by-law hereinbefore or hereinafter contained, they are to do, or in case the company shall fail to keep the said highway, crossings and tile drain in a proper and sufficient state of repair in accordance with the terms and provisions hereof, the engineer may give written notice to the company (which may be served by mailing the same addressed to the company at the city of London) specifying in general terms the nature of the work or thing which the company has failed to do or the approximate locality of any such want of repair, and if the company shall not within seven days thereafter have done such work or thing, or put in proper repair such track, street or crossing, to the satisfaction of the said engineer, then such work or thing may be done, and such repair may be made by the corporation or the council thereof at the expense of the company, and the amount so expended may be recovered from the company in any court of competent jurisdiction, and in case of the failure of the company to pay the same for the period of two months after the recovery of a judgment for

any amount, all rights and privileges hereby, or by any agreement or by-law of the corporation, heretofore or hereafter granted to the company, shall cease, determine and be at an end. Provided that such delay shall not relieve the company in any case from their liability under the provisions of this by-law to indemnify the corporation against loss or damage arising from the default or neglect of the company to do the work or thing or make the repair, in respect of which such notice shall be given.

11. The said railway shall not be open to the public or put in operation until the said engineer shall have given his certificate in writing that the same has been constructed in all respects conformably to the provisions of this by-law.

12. After the said railway has been constructed, before commencing any future work of alteration or repair, the company shall give to the said engineer, notice of their intention so to do and no more than one hundred lineal feet of the highway shall without his authority in writing be broken up or open at any one time or place and when the work of such alteration or repair shall have been commenced the same shall be proceeded with without intermission and as speedily as the same can be carried on with due regard to their proper alteration or repair, and subject to the supervision of the said engineer.

13. During the construction or repair of the said railway or of any work in connection therewith, due and proper care shall be taken to leave sufficient space and crossings so that the traffic on the said highway and streets running into or crossing the same shall not be unnecessarily impeded, and that lights, barriers or watchmen, and all other efficient means and precautions shall be provided, taken and kept by the company when and where the same shall be necessary, or shall be required by the said engineer and to his satisfaction to prevent accidents or injury.

14. It shall be lawful for all and every person or persons whatsoever to travel upon and use the said tracks except for street railway purposes with horses, carriages or other vehicles, loaded or not, when and so often as they may please, so that they do not unnecessarily impede or interfere with the cars of the company running thereon.

15. The company shall construct, maintain and operate their system without causing any injury to or interference with any system of water-works, telegraph, telephone electric light, gas, fire alarm or other service now or hereafter, having the use of or being operated in, upon or under the said highway and shall be liable for all damages arising from or by reason of the construction, maintenance or operation of their railway system, and shall from time to time adopt and use the best modern means satisfactory to the said engineer to prevent any such injury or interference as aforesaid, and should the company fail to adopt and use such means the corporation may adopt and use the same, and charge the cost thereof to the company who shall pay the same to the corporation on demand.

16. —(1) The company shall indemnify and save harmless the corporation at all times from all loss, damages, costs, charges and expenses of every nature and kind, whatsoever which the corporation may incur, be put to, or have to pay by reason of the exercise by the company of their powers or any of them, or by reason of neglect by the company in the executing of their works or any of them, or by reason of the improper execution of their works or any of them, or by reason of the said works becoming unsafe or out of repair, or by reason of the neglect or failure of the company to remove any snow or ice which it is their duty to remove under the provisions of this by-law or by reason of the neglect, failure or omission of the company to do or permit anything herein agreed to be done or permitted, or by reason of any act, default or omission of the company or otherwise howsoever, and should the corporation incur, pay or be put to any such loss, damages, cost, charges or expenses the company shall forthwith, upon demand, repay the same to the corporation.

(2) The company shall, by the use of guard-wires or other sufficient means, protect all telegraph, electric light, telephone and other wires from contact with the electric wires which may be used by the company for the working of their railway. The said engineer shall be the judge as to the sufficiency of the means from time to time to be adopted for the purposes aforesaid, and his decision in the premises shall be binding on the corporation and the company.

17.—(1) The company shall place and continue on said railway new combination motor cars of the same pattern and equipment as those now being used in the City of London, and the company for this purpose to have the right to build a loop, "y" or turntable at or near the eastern and western terminus of its route, and at or near such points to construct its track across the said highway so as to obtain access to other property upon which to construct such loop, "y" or turntable, and all cars whether motor cars or not used by the company shall contain all the modern improvements, for the convenience and comfort of passengers, including lighting and heating and shall be lighted and heated at such hours and for such periods of the year as are required by the engineer of the City of London for cars running in the city, and the platforms shall be provided with gates or bars, and each car shall be supplied and maintained with fenders of the most improved design, for the safety of the public, and with vestibules for the protection of the motormen, and all such gates, bars, fenders and vestibules shall be the same as are used upon the company's cars in the City of London. The said cars shall be kept clean inside and out, and no business signs shall be carried on the outside of the cars except hangers advertising entertainments; and the company shall improve their cars from time to time so that the same shall at all times be in every respect equal to their cars in use in the said City of London.

(2) Cars shall not be crowded, and the number of passengers for each car shall be the number approved of by the engineer of the City of London with respect to cars running in the city, and no greater number of passengers shall be carried upon, or permitted to be in any car than the number so authorized, if any passenger on board the car objects and calls the attention of the conductor to the crowding.

18. If the company shall at any time permit any portion of the highway which is to be kept in repair by the company, to become out of repair or in such condition as in the opinion of the said engineer it ought not, having regard to the terms of this by-law to be, the said engineer may give to the company written notice which may be served by mailing the same by registered letter addressed to the company (at the said City of London) specifying in general terms the approximate locality so by him considered to be out of repair or in such condition and if the same shall not have been within seven days thereafter put in proper repair and condition by the company to the satisfaction of the said engineer, then the company shall not if so required by the corporation operate its railway until the said engineer shall have certified that all necessary repairs and changes have been made to his satisfaction. Provided that such delay shall not relieve the company in any case from their liability under the provisions of this by-law to indemnify the corporation against loss or damage arising from the default or neglect of the company to do the work or thing, or make the repair in respect of which such notice shall be given.

19.—(1) The privileges granted by this by law shall extend until the eight day of March 1925, and the corporation may, after giving at least one year's notice prior to the expiration of the said term of their intention so to do, assume at the expiration of the said term the ownership of the said railway of the company on payment of the value thereof to be determined by arbitration, and any arbitration under this section shall be subject to the provision of *The Consolidated Municipal Act, 1892*, and of the Act respecting arbitrations and references, or any Acts substituted therefor, or for the time being dealing with said matters, and the arbitrators shall have all the powers of arbitrators appointed under the said Act, and each party shall pay half the costs of the arbitration.

(2) After the corporation shall have given such notice they may at once proceed to arbitrate under the conditions in that behalf, and both the corporation and the company shall in every reasonable way facilitate such arbitration, and the arbitrators appointed in the matter shall proceed so as, if possible, to make their award not later than the expiration of the said term, but if from any cause the award shall not be made by such time, or if either party be dissatisfied with the award, the corporation may nevertheless take possession of the said railway on paying into court the amount of such award if the award be made, or if not, on paying into court or to the company such sum of money as a judge of the High Court of Justice may, after notice to the company, order, and upon and subject and according to such terms, stipulations and conditions as the said judge shall by his order direct and prescribe, provided always that the rights of the parties, except in so far as herein specially provided, shall not be affected or prejudiced thereby. In determining such value the rights and privileges hereby granted, and the revenue, profits and dividends being or likely to be derived from the enterprise are not to be taken into consideration, but the arbitrators are to consider only the actual value of the actual and tangible property and plant connected with said railway, but no allowance will be made in respect of pavements.

(3) In the event of the corporation not exercising at the expiration of the said period of fifty years from the eighth day of March, A.D. 1875, the right to take over the railway, the corporation may at the expiration of any fifth year thereafter, and so at the expiration of periods five years reckoned from the expiration of the previous five years exercise such right upon giving not less than one year's previous notice to the company of their intention so to do, and the privileges, duties, obligations and liabilities hereunder of the company shall continue until the ownership is assumed by the corporation as aforesaid or possession taken under the provisions of this section as above mentioned. Provided always that whenever the corporation exercise such right of taking over the said property the provisions for determining the value thereof herein contained and the other provisions of sub-section 2 of this section shall apply mutatis mutandis in the same manner as if the corporation had exercised their rights at the expiration of the said period of fifty years, that is to say, on the eighth day of March, A.D. 1925.

(4) In the event of the company's railway in the city of London being assumed and taken over at any time by the corporation of the city of London pursuant to section 20 of by-law No. 916 of the said city of London, and in the event of the corporation of the township of London not desiring to assume the railway pursuant to the provisions of the first, second and third sub-sections hereof, then the said company shall have, firstly, the right to cease to operate the railway hereby authorized to be constructed, and may remove their rails, ties, poles, wires and all other plant and material connected with their said railway, but shall leave the said highway in a thorough state of repair, and shall remove all ties and fill up all holes with good gravel well pounded so that the said highway shall be in every respect in as good repair as it is required to be under the terms of this by-law; or, secondly, the said company may assign all their franchise, rights and privileges granted hereunder to the said corporation of the city of London, or to any other corporation, person or persons for the time being, the owners of the franchise and property of the London Street Railway Company upon the said corporation or corporations, person or persons entering into an agreement with the said corporation of the township of London, containing the same or similar terms, conditions and provisions as are set out in this by-law and in the agreement between the said parties hereto. Provided always that the corporation shall not have the right to exercise the powers contained in the preceding sub-sections hereof, unless the corporation of the city of London take advantage of the provisions for arbitration contained in section 20 of by-law No. 916; and provided further that, in the event of the corporation giving notice for arbitration in this section mentioned, it may discontinue the same at any time before the arbitrators are appointed.

20. The company in constructing their said railway, will, so far as practicable so to do, employ residents of the township of London.

21. Only one turnout shall be laid on the said railway between its terminal points, and the said turnout shall not be more than two hundred and fifty feet in length and shall be located opposite to or at the intersection of Nightingale Avenue unless leave is given to change the location of the same by resolution of the council.

22. The following rules and regulations in regard to the working of the railway shall be observed by the company :

- (a) The cars to be used on the said railway shall be propelled by electricity as the motive power, and smoking will be allowed on the rear two seats and rear platforms of open cars.
- (b) The council of the corporation may require that the cars used shall commence running from the easterly terminus of the railway hereby authorized to be constructed as early as 6.30 o'clock in the forenoon of each day of the year, and that they shall continue to run for sixteen and one-half hours thereafter, the last car going east to leave the corner of Dundas and Richmond Streets in the city of London not earlier than eleven o'clock p.m., and shall run through to the easterly terminus of the railway hereby authorized to be constructed, but the company may at their own option run their cars for more than sixteen and one-half hours in each day.
- (c) The company shall use only passenger cars, mail and express cars, cars used for the construction of the company's railroad whilst the same is being constructed, cars for hauling gravel, cars for street watering, snow cars for the purposes mentioned in this by-law, and such other cars as the council of the corporation may from time to time by by-law permit, and all cars of every description used by the company shall be used and run under and subject to such regulations as the council of the corporation may from time to time by by-law prescribe.
- (d) The company may charge and collect from every person on entering any of their cars for a continuous journey of any distance on their railway hereby authorized to be constructed from any point thereon to any other point, a sum not exceeding three cents or one city ticket which shall be accepted by the company in lieu of the cash fare of three cents, and shall sell tickets at the price of twenty-five cents for five tickets, each ticket to entitle the holder to one continuous journey on the cars as aforesaid between any point upon the railway hereby authorized to be constructed and any point on the company's railway in the city of London as now existing or hereafter in any way extended, and from any point on the company's railway in the city of London as now existing or hereafter in any way extended to any point on the railway hereby authorized to be constructed and shall also carry children free where such children are under five years of age accompanied by a parent or other person having them in charge; children between the ages of five and twelve years shall be carried for a cash fare of three cents, and the company shall sell seven children's tickets good for children between the ages of five and twelve years, at the price of twenty-five cents, and said tickets shall entitle the said children to be carried upon the company's cars between any point upon the railway hereby authorized to be constructed, and any point on the company's railway in the said city of London as now existing or hereafter in any way extended, and from any point on the company's railway in the said city of London as now existing or hereafter in any way extended to any point on the railway hereby authorized to be constructed.

And the company shall also carry free of charge all police constables in uniform, all health inspectors and other officers of the corporation in uniform or wearing badges. The fare set out in this section shall not apply to chartered or private cars.

- (e) Cars running in the same direction or in opposite directions on the same track shall not approach each other within the distance of sixty feet except in cases of accident or when it may be necessary to connect them together, or at stations and turn-outs, and the rate of speed of all cars shall be from time to time subject to the direction of the said Council of the Corporation, and the rates of speed may vary on different parts of the line.
- (f) No car shall be allowed to stop on or over a crossing or in front of any intersecting streets, except to avoid collision or to prevent danger to persons in the streets or for other unavoidable reasons, and no cars shall be left or remain standing in the street at any time unless waiting for passengers, and no more than three cars shall be coupled together.
- (g) There shall be no less than two men in charge of each motor car, and at least one man in charge of each trailer or other car.
- (h) Careful, sober and civil agents conductors and officers shall at all times be employed to take charge of the cars on the said railway.
- (i) It shall be the duty of the motorman in charge of cars while on the road to keep a vigilant watch for all teams, carriages and persons on foot (and especially children) either upon the track or moving towards it, and to stop the car in the shortest time and space possible on the slightest appearance of danger.
- (j) The conductor shall announce to the passengers the names of the streets as the car approaches them.
- (k) The conductors and motormen shall bring the cars to a stop (when passengers request to get on or off the cars) at all street intersections and such other places as may be from time to time designated by the said Engineer, provided that two stopping places are not so designated within the distance of 400 feet.
- (l) The conductor shall not allow any woman, or child, or aged or infirm person to enter or leave the car while in motion, and no passenger shall be allowed to enter or leave the cars on the left side (looking forward) of the car.
- (m) The cars after sunset shall be provided with colored signal lights and a bright head-light on every motor car, all to be the same as those approved of by Engineer of the City of London, for cars running upon the Company's lines in said City, and each motor car shall have a gong attached to it which shall be kept ringing at all times when approaching a crossing, or when necessary to give warning.
- (n) The cars shall be entitled to the track, and any horse or vehicle upon the track of the Company shall turn out when any car comes up so as to leave the track unobstructed, but a reasonable time and notice by ringing of gong shall be given by the motorman, and anyone placing an obstruction upon a track except as authorized by this by-law, or the driver of any vehicle refusing to turn out when requested so to do by the motorman of any car shall be liable to a penalty not exceeding ten dollars, and the costs of prosecution on conviction before a Justice of the Peace for the County of Middlesex, and such penalty may be imposed for every day such obstruction may continue, but the imposition of any penalty under this by-law

shall not relieve the persons causing such obstruction from liability for damages or from any other liability or penalty imposed by law: but if any person or persons shall have any cause to remove any building or other large and heavy substance, such person or persons shall be allowed reasonable and sufficient time between the hours of 11 p. m. and 6 a. m. to remove, load or unload the same without being liable to the penalty attached by this sub-section provided that any person or persons before removing any building along or across the railway track shall first obtain the consent in writing of the said Engineer for such removal and shall give reasonable notice hereof to the Secretary or Manager of the Company and shall pay the Company the cost of cutting their wires and splicing them.

- (o) Ten hours shall constitute a working day and no employee of the company shall be permitted to work in the service of the company for a longer period than 240 hours in any lunar month.
- (p) Any conductor or other employee of the company who shall request or demand from any passenger more than the fare prescribed by this by-law shall, on conviction thereof in the magistrate's court, pay a fine of not less than five dollars for each offence.
- (q) The company shall keep a sufficient supply of tickets for sale upon all their cars and service on the said railway and they shall sell tickets to all persons desiring to purchase the same at the rates mentioned in sub-section "d" of section 22 hereof, and each conductor or person in charge of a car shall furnish necessary change to the amount of two dollars but not more, when required by any passenger.
- (r) The speed and services necessary on the said railway shall be determined from time to time and may be altered, changed or varied by the order of the said engineer, approved by the council of the corporation, and there shall not be more than sixty minutes between two successive cars running in the same direction on the said railway.
- (s) In case the electric motors or cars used by the company in operating the railway hereby authorized to be constructed, whilst passing along the said railway, cause alarm to any horses travelling or being upon or near the Governor's Road with vehicles or otherwise, the motorman shall, if necessary, stop the cars to enable the horses so alarmed to pass without accident or injury.

23. In case of a breach on the part of the company of any of the provisions of the foregoing regulations lettered *b, c, d, f, g, i, m, o, q*, the company shall pay to the corporation for every day in which default or breach shall happen, as liquidated and ascertained damages, the sum of ten dollars, and, in case such breach of any of the said regulations lettered *d, q* and *r*, shall continue for ten days after notice in writing forbidding it shall have been given by the corporation to the company, the corporation may put an end to the powers conferred on the company by this by-law, or any other by-law or agreement heretofore or hereafter passed or made, and in that event the corporation may exercise the other powers contained in section 38*b*.

24. The company shall from time to time adopt and use all the most improved safe-guards against and means of preventing accidents and injury in the working and running of their railway, and the same shall be from time to time similar to those approved of and used on the company's cars in the said City of London.

25. No motive power other than electricity shall be used by the company, except with the approval of the corporation, unless in cases of accident or necessity, and then only under the written permission of the said engineer, when horses or mules may be used for the time so permitted by the said engineer.

26. The company shall not in any case connect any of their wires with any underground water or other pipes or mains.

27. It is hereby reserved to the council of the corporation to make, and the council shall have the right to make such further rules, regulations, orders and by-laws in relation to the repairs and operations of the said railway as from time to time may be deemed necessary to protect the interests of the corporation, and to provide for the safety, welfare, or accommodation of the public, but no alteration in these rules shall be made which shall have the effect of impairing the substantial rights of the company under this by-law.

28. Nothing herein contained shall entitle the company to run their cars or operate their railway on Sunday.

29.—(1) The poles to be used for the company's wires may be iron or wooden poles, and, if wooden, the poles shall all be straight and perpendicular, and as nearly as possible of the same shape and size, and shall be dressed throughout, and shall be painted, and shall be placed on the sides of the road close to the sidewalk unless otherwise directed by the said engineer.

(2) In case any pole shall be placed or erected otherwise than in accordance with the provisions of this section, the corporation may require it to be immediately removed and replaced by a proper one.

30.—(1) Whenever the company shall remove any snow or ice from their tracks, or any part thereof, the same shall be entirely removed by them from the highway, or shall be evenly spread over the highway under the direction and to the satisfaction of the said engineer, if and so long as the engineer directs the company by notice so to do, and whenever the snow and ice is removed from their tracks, the company shall, when removing the same, slant down the adjoining snow and ice to such a distance outside of the tracks as to make the highway safe and even for the travelling public, and to the satisfaction of the said engineer.

(2) In the event of the company neglecting to remove or level the snow and ice from the said roadway, as and when directed by the said Engineer, the same may be removed by the said Engineer acting on behalf of the corporation, and the cost of such removal shall be paid by the company to the corporation on demand.

31. Nothing in the next preceding section contained shall be deemed to authorize or permit any person to deposit on the said roadway any snow or ice.

32. The company shall not use salt for the removal of any snow or ice.

33. All rights hereby granted are so granted subject to any existing rights, statutory or otherwise, which are now possessed by any gas, telegraph, telephone, electric light or other company, in or in respect of the said highway.

34. In all the section of this by-law in which the time of the day is mentioned, such time shall be understood to mean what is known as eastern standard time.

35. Should the company at any time cease to regularly use for the purposes of their railway, for a period of five months, the poles and wires and overhead appliances and construction which shall be placed by the company in the road, the said Engineer or the council of the corporation may give written notice to the company (which may be served by leaving the same at the office of the company in the said City of London, or by

mailing the same by registered letter addressed to the company at the said City of London directing the company to remove the said poles and wires and overhead appliances and construction, and if the company shall not within one month after the service of such notice at their own expense, remove such poles, wires and overhead appliances and construction and put the streets in proper repair, and to the satisfaction of the said Engineer, the corporation may do so and charge the expense thereof to the company, who shall pay the same to the corporation on demand.

36. All passenger cars running on the company's railway within the limits of the corporation of the Township of London shall make a continuous trip without transfer between the corner of Dundas Street and Richmond Street in the City of London and the eastern terminus of the railway hereby authorized to be constructed and return, except during the holding of the Western Fair or any holiday.

37.—(1) The company shall if required so to do by the corporation, receive and forward with all diligence and despatch free of charge, except as hereinafter provided, the passenger, mail, express, freight and baggage cars, and the passengers and goods thereon of all radial or other electric railway companies, which may during the continuance of this by-law, or of the rights of the company thereunder, desire the company so to do, over the tracks of the company hereby authorized to be constructed, the company to have charge and control of all cars while the same are passing along their tracks, and to furnish motormen and conductors for that purpose. The company to have the right to collect the regular fares as provided by this by-law from all passengers on the said cars hauled by them as aforesaid, and all such passengers shall be entitled to transfers to any part of the city from the said radial or other electric railway company's cars to and upon the company's cars or vice versa, upon payment of one city fare to the company. The compensation to be paid for hauling mail, express, baggage and freight to be, in case the parties differ about the same, determined by arbitration in the same manner as provided in section 20 hereof, but in determining the said price to be paid, the said arbitrators shall not take into consideration the franchise of the said company but shall fix a reasonable compensation therefor, having regard only to the operating expenses of the said road.

(2) In case the company refuse or neglect to carry out any of the provisions of sub-section 1 of this section to the satisfaction of the corporation of the said Radial or other electric railway company or companies, the matter in dispute and the damages (if any sustained thereby) shall be determined by arbitration in the same manner as provided in section 20 hereof and the corporation, the company or any of the said radial electric railway companies shall be entitled to enforce the said award. In case of an arbitration between the company and any other person or company under the provisions of this section, the arbitrator to be appointed on behalf of such company or person shall be appointed by such company or person and not by the corporation.

(3) In all arbitrations under this by-law the majority of the arbitrators shall be competent and are hereby authorized to make an award, and an award so made shall be as valid and binding as if assented to by all the arbitrators.

37. (b) In the event of part of the Township of London in which is situate the whole or part of the said highway is incorporated with and becomes part of the City of London, then the provisions herein contained for maintenance and repair shall, as to the part of the highway so incorporated, become null and void, but the provisions for repair and maintenance provided by said by-law No. 916 of the City of London, or as the same may be hereafter amended, shall become and be applicable to such part of the highway so incorporated as aforesaid.

38. In case of non-payment of any fine and costs imposed under sub-section (n) or sub-section (p) of section 22 of this by-law, the same may be levied by distress and sale of the goods and chattels of the offender;

and, in case of non-payment of the fine, and there being no distress found out of which the same can be levied, such offender shall be liable to be imprisoned in the common gaol of the County of Middlesex, with or without hard labor, for any period not exceeding twenty-one days.

38 (b) In the event of the company failing or neglecting to construct their said railway as hereinbefore provided in substantial conformity with the provisions of this by-law, or in the event of the company failing or neglecting for the space of thirty days to maintain and operate their said railway in substantial conformity with the provisions of this by-law, or for the space of thirty days, whether consecutive or not, in any year, the corporation, by resolution of the council thereof, may declare that all the privileges and rights which the company may have acquired by this or any other by-law hereafter passed, or by any agreement with the corporation heretofore or hereafter made, are at an end, and may repeal the by-laws connected therewith, and the said privileges and rights shall thereupon cease and be at an end accordingly, and the said agreements rescinded and in such case the corporation shall have the right to require all obstructions and materials placed in said streets by the company under any such by-law or agreement to be removed therefrom and the said streets put in as good condition and repair as they were before the said materials and obstructions were placed therein, and the expense thereof shall be paid to the corporation by the company; and the corporation shall also have the right to run the said railway and to grant the same rights and privileges to any other company free from all liability or damage on account thereof.

39. The corporation will join with the company in applying to the Legislature of the Province of Ontario for legislation confirming and ratifying this by-law and the agreement to be entered into between the corporation and the company referred to in the forty-first section hereof and declaring the same to be valid and binding upon the parties hereto, all expenses in connection with the procuring of such legislation to be paid and borne by the company, providing that the Act of the Legislature so confirming and ratifying this by-law and the said agreement shall contain as a section thereof the words following, or to the like effect, that is to say:

"If the company shall fail or neglect to keep observe perform or comply with any of the provisions of this by-law, in which the residents of the municipality, or the corporation or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the company, the corporation may bring an action in the high court of justice against the company, and all other necessary parties, to compel the keeping, observing, performing of and complying with such provisions; and the court shall have full power and jurisdiction in the premises, and to enforce by injunction or otherwise, the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of this by-law in which residents of the municipality or the corporation or any other person or corporation are interested."

40. The word "engineer" wherever it refers in this by-law to the engineer of the corporation shall mean the present county commissioner of the county of Middlesex or his successor in office, or such other person as may from time to time be designated and appointed by resolution of the council of the corporation to perform the duties of engineer under this by-law, and shall not mean the engineer appointed by the said council of the corporation under *The Ditches and Watercourses' Act*, or under *The Drainage Act*.

41. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the corporation unless or until formally accepted by the company within forty days after the passing thereof by an agreement which shall legally bind the company to pay to the corporation the sums mentioned in this by-law, and to perform, observe and comply with all the agreements, obligations, terms and conditions herein

contained, and shall be approved by the solicitors for the corporation and such agreement when so approved, shall also be executed under the seal of the corporation and the reeve thereof.

Passed in open council, this fourteenth day of August, A.D. 1897.

(Sgd.) JAS. H. HODGINS,
Reeve.

(Sgd.) JAMES GRANT,
Clerk.

[Seal]

ARTICLES OF AGREEMENT made the fourteenth day of August, A.D. 1897, between the corporation of the Township of London (hereinafter called the corporation), of the first part; and the London Street Railway Company (hereinafter called the Company), of the second part.

Whereas, by an Act of the Legislature of the Province of Ontario passed on the 29th day of March, A.D. 1873, entitled *An Act to incorporate The London Street Railway Company*, it is amongst other things provided that the council of the corporation and the company may make and enter into any agreements or covenants relating to the construction of the said railway for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways; the location of the railway and the particular streets along which the same shall be laid; the pattern of the rail, the time and speed of running the cars, the time within which the works are to be commenced, the manner of proceeding with the same and the time for completion and generally for the safety and convenience of passengers; the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic.

And whereas the council of the corporation on the fourteenth day of August, in the year of our Lord one thousand eight hundred and ninety-seven, passed a by-law numbered 391, granting to the company certain rights for the construction, maintenance and operation of a street railway upon and along that portion of the road allowance between the first concession and co-cession "C" in the township of London, commonly called the Governor's Road, lying between the easterly limit of the city of London and the track of the Stratford branch of the Grand Trunk Railway, upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions, and things therein contained, a true copy of which said by-law is hereto annexed.

And whereas these presents are intended to give effect to the said by-law and the same have been approved of by the corporation solicitor.

Now these presents witnesseth that in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the company, the company do, for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors in manner following, that is to say:

That the company do hereby accept the said by-law, and that the company, their successors and assigns, will in all things conform to, obey, perform, observe, fulfill and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said by-law granted to the company, and will do and perform all acts, matters and things which the said by-law provides shall be done by or on behalf of the company, and will not do

anything which the said by-law provides is not to be done by the company, and the corporation do hereby ratify and confirm the said by-law and the rights and privileges thereby granted to the company, subject however to all the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things in said by-law contained.

In witness whereof the corporation have caused to be affixed their corporate seal and the Reeve and Clerk have set their hands and the company have caused to be affixed their corporate seal and their President and Secretary have set their hands the day and year first above written.

Signed, sealed and delivered
in the presence of

E. R. CAMERON.

{	JAS. H. HODGINS,	
	Reeve.	[Seal]
{	JAMES GRANT,	
	Clerk.	
{	H. EVERETT.	
	President.	[Seal]
{	C. A. E. CARE,	
	Secretary.	

2nd Session, 9th Legislature, 62 Viet, 1899.

BILL.

An Act respecting the London Street
Railway Company.

First Reading, 8th March, 1899.

*(Re-printed as amended in Private Bills
Committee.)*

MR. GERMAN.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 62.]

BILL.

[1899

An Act to authorize the Supreme Court of Judicature
for Ontario to admit George Macgregor Gardner
to practise as a Solicitor

WHEREAS George Macgregor Gardner, of the City of ^{Preamble.}
Toronto, in the County of York, Gentleman, has,
by his petition, represented that he was in or about the month
of May, 1865, apprenticed to a writer and notary public in
5 Scotland for a period of five years; that he duly served the
said apprenticeship, and that during the said apprenticeship
he attended the law course of the University of the City of
Glasgow; that on or about the 20th day of July, 1871, he was
admitted to practise in Scotland the profession of writer and
10 notary public, and that he has ever since the said time been
engaged in the practice of law; that he has since 1885 been
engaged in the practice of law in Ontario and that he has
been since the 13th day of March, 1887, a notary public for
the Province of Ontario; that he has during such time acquired
15 such experience and knowledge as should entitle him to be
admitted as a solicitor of the Supreme Court of Judicature
for Ontario; that he has on former occasions offered to pass
the final examination prescribed by the Law Society of Upper
Canada for the admission of solicitors, but that, owing to an
20 affliction of the eyes he is not now able to pursue such an
academic course of reading as would be necessary to pass such
examination; and whereas the said George Macgregor Gardner
has petitioned that an Act may be passed to authorize the
Supreme Court of Judicature for Ontario to admit him to

practise in the said court as a solicitor; and whereas it is expedient to grant the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

5

George M.
Gardner ad-
mitted to
practice.

1. It shall and may be lawful for the Supreme Court of Judicature for Ontario at any time hereafter to admit the said George Macgregor Gardner to practise as a solicitor in the said court on his paying the proper fee in that behalf, without passing any examination and without complying with any 10 other requirements of the law, or any other rules or regulations of the Law Society of Upper Canada in that behalf.

BILL.

An Act to authorize the Supreme Court of
Judicature for Ontario to admit George
Macgregor Gardner to practise as a
Solicitor.

First Reading, , 1899.

(Private Bill.)

Mr. HILL.

TORONTO :

PRINTED L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 62.]

BILL

[1899

An Act to authorize the Supreme Court of Judicature for Ontario to admit George Macgregor Gardner to practise as a Solicitor

WHEREAS George Macgregor Gardner, of the City of ^{Preamble.}
Toronto, in the County of York, Gentleman, has,
by his petition, represented that he was in or about the month
of May, 1865, apprenticed to a writer and notary public in
Scotland for a period of five years; that he duly served the
said apprenticeship, and that during the said apprenticeship
he attended the law course of the University of the City of
Glasgow; that on or about the 20th day of July, 1871, he was
admitted to practise in Scotland the profession of writer and
notary public, ^{and} and thereafter practised in the Courts at Glas-
gow as such writer and as a notary public; and that he served
as a clerk in the offices of solicitors in the Province of Ontario
during the years 1883, 1884 and 1885, ^{and} and that he has been
since the 13th day of March, 1887, a notary public for the Pro-
vince of Ontario; that he has during *the time aforesaid* acquired
such experience and knowledge as should entitle him to be
admitted as a solicitor of the Supreme Court of Judicature
for Ontario; and whereas the said George Macgregor Gardner
has petitioned that an Act may be passed to authorize the
Supreme Court of Judicature for Ontario to admit him to
practise in the said court as a solicitor; and whereas it is
expedient to grant the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

George M.
Gardner ad-
mitted to
practice.

1. It shall and may be lawful for the Supreme Court of Judicature for Ontario at any time hereafter to admit the said George Macgregor Gardner to practise as a solicitor in the said court on his paying the proper fee in that behalf, *and on* passing *such* examination ~~as~~ as may be prescribed by the Law Society of Upper Canada, ~~and~~ and without complying with any other requirements of the law, or any other rules or regulations of the *said* Society in that behalf.

BILL.

An Act to authorize the Supreme Court of
Judicature for Ontario to admit George
Macgregor Gardner to practise as a
Solicitor.

First Reading, 15th February, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

MR. HULL.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to incorporate the Village of Sturgeon Point.

WHEREAS the inhabitants of the village of Sturgeon Point have, by their petition, set forth that it would greatly conduce to the benefit of the said village to be incorporated and have prayed for an Act accordingly ; and whereas
5 it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. On and after the passing of this Act the inhabitants of
10 the said village of Sturgeon Point comprised within the boundaries in the second section of this Act mentioned, shall be, and they are hereby constituted a corporation or body politic, separate and apart from the townships of Fenelon and Verulam in which the said village is now situated under the name
15 of “The corporation of the village of Sturgeon Point” and shall enjoy all such rights, powers and privileges as are now, or shall hereafter, be conferred upon incorporated villages in the Province of Ontario.

2. The said village of Sturgeon Point shall comprise and
20 consist of the following parcels and tracts of land; that is to say :—

(1) Lots numbers ten and eleven in the 10th concession of the township of Fenelon, including those parts laid down on

the subdivision thereof and shewn on the registered plan thereof, No. seventy-three, filed in the registry office in the county of Victoria.

(2) The east parts of lots numbers twelve and thirteen in the tenth concession of the said township of Fenelon, fronting on Sturgeon lake and having a depth of one thousand feet from the lake shore. 5

(3) Lots numbers ten and eleven in the eleventh concession of the said township of Fenelon.

(4) Lot number eleven in the first concession and lot number twelve in the second concession of the township of Verulam, in the county of Victoria. 10

Inclusive of all the allowances for roads within or between the said lands.

First election. 3. On Tuesday the 20th June, 1899, after the passing of this Act it shall be lawful for James M. Knowlson, Esquire, of the town of Lindsay, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and councillors at some prominent place in the said village, at the hour of noon; and he shall preside at such nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer, and the polling for the said election in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages. 15 20 25

Qualification at first election. 4. At the said election the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections, the qualification of electors and of the reeve, councillors and other officers, shall be the same as that required in incorporated villages. Except that it shall not be necessary to reside within the municipality or within two miles thereof. 30 35

Clerks of Fenelon and Verulam to furnish copies of assessment roll. 5. The township clerks of the townships of Fenelon and Verulam shall furnish to the returning officer, upon demand, made by him for the same, a certified copy of so much of the last revised assessment rolls of the said townships respectively as may be required, to ascertain the persons entitled to vote at such first election, or with the collector's roll or with any document, writing, or statement that may be required for that purpose. 40

First meeting of council. 6. The reeve and councillors so to be elected shall hold their first meeting at some prominent place in the said village, 45

at the hour of noon on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

5 **7.** Except as otherwise provided by this Act, the provisions of *The Municipal Act*, and of all other general Acts respecting municipal institutions, with regard to matters consequent upon the formation of new corporations and other provisions of the said Acts applicable to incorporated villages, shall apply to the
10 village of Sturgeon Point in the same manner as they would have been applicable had the said village of Sturgeon Point been incorporated under the provisions of the said Acts.

Application
of general
provisions of
R.S.O. c. 223.

8 The said village of Sturgeon Point shall be liable to pay to the treasurer of each of the townships of Fenelon and Verulam in each and every year, such and the same proportion of any debt contracted by the said townships or either of them prior to the present year, as the amount of the assessed property for each township within the limits of the said village as shown by the collector's roll of the said several townships for
15 the year one thousand eight hundred and ninety-two bears to the whole amount of the assessed property of the said townships respectively, until such debts shall be fully satisfied, and the parts of the said village situated in the township of Fenelon and Verulam respectively, shall contribute towards the
20 payment of the said debts in the same proportion as if this Act had not been passed, and for that purpose special rates shall be levied.

Adjustment
of debts on
incorporation.

9 From and after the passing of this Act the said village shall cease to form part of the townships of Fenelon and
30 Verulam, and shall, to all intents and purposes, form a separate and independent municipality with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

Village
separated from
Fenelon and
Verulam.

10. The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds or any matter whatsoever, required by the clerk of the said village, or
35 other officers of the said village, or otherwise shall be borne by the said village and paid by it to any party that may be entitled thereto.

Expenses of
Act.

11. Nothing in this Act contained shall have the effect of
40 disqualifying any member of the municipal councils of the said townships of Fenelon and Verulam or either of them, from holding office in said councils during the current year.

Members of
the township
council not
disqualified.

12. The council of said village may pass a by-law providing for the holding of the municipal elections at some convenient place in the town of Lindsay, instead of in the said
45 village, and may change the same from time to time or may

Date for
holding
election.

provide for the elections taking place in the month of June or
R S.O. c. 223. at any other time instead of the times fixed by *The Municipal*
Act.

Offices to be
filled by same
person. **13.** It shall be lawful for the council to appoint the same
person to fill the following offices in said village, or any of 5
them, that is to say :—Clerk, treasurer, assessor, collector, fire
warden and inspector of public health.

Independent
school section. **14.** The said village shall form a separate independent
school section and it shall not be necessary to elect any school 10
trustees, but the reeve and councillors for the time being shall
be the school trustees, and the clerk and treasurer of the vil-
lage the clerk and treasurer of the school section, and it shall
not be necessary and the trustees shall not be obliged to pro-
vide any school or school accommodation unless requested so
to do by a petition signed by at least one-half of the duly 15
qualified ratepayers of the village.

Authority to
pass certain
by-laws. **15.** The council of the said village may pass by-laws regu-
lating the erection of boat houses, wharves and docks on the
lake shore along Lake avenue or on any other public highway
running along or to the lake shore in said village, and to grant 20
any person or persons any privilege or rights in respect of the
same upon such terms as they may see fit. Provided that no such
right or privilege shall be granted without the consent of the
owners of the land opposite on the other side of the street or
without the council making to him due compensation in case 25
his property is injuriously affected thereby, such compensation
to be ascertained in the same manner as provided by *The*
Municipal Act for ascertaining the amount of compensation
to be paid in case of lands injuriously affected by the exercise by
the council of its powers, such compensation to be ascertained 30
and paid before the erection of the boat house, wharf or dock.
Provided that nothing in this section to affect the private right
of the owners of any land along the lake shore.

Village to
form part
of East Riding
of Victoria. **16.** The said village is to form part of the electoral district
of the east riding of the county of Victoria. 35

No. 63.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to incorporate the Village of Sturgeon Point.

First Reading,	, 1899.
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(Private Bill.)

Mr. FOX.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 63.]

BILL.

[1899.

An Act to incorporate the Village of Sturgeon Point.

WHEREAS the inhabitants of the village of Sturgeon ^{Preamble}
Point have, by their petition, set forth that it would
greatly conduce to the benefit of the said village to be incor-
porated and have prayed for an Act accordingly; ~~and~~ and
whereas no opposition has been offered to the granting of the
prayer of the said petition; ~~and~~ and whereas it is expedient to
grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. On and after the passing of this Act the inhabitants of ^{Incorporation.}
the said village of Sturgeon Point comprised within the boun-
daries in the second section of this Act mentioned, shall be, and
they are hereby constituted a corporation or body politic,
separate and apart from the townships of Fenelon and Veru-
lam in which the said village is now situated under the name
of “The corporation of the village of Sturgeon Point” and shall
enjoy all such rights, powers and privileges as are now, or shall
hereafter, be conferred upon incorporated villages in the Pro-
vince of Ontario.

2. The said village of Sturgeon Point shall comprise and ^{Boundaries.}
consist of the following parcels and tracts of land; that is to
say:—

(1) Lot number ten in the 10th concession of the township of Fenelon; ~~that~~ that part of lot number eleven in the tenth concession of the said Township of Fenelon sub-divided into lots as laid down on registered plan No. 73, filed in the Registry Office of the County of Victoria, and a strip of land 232 feet wide lying immediately to the east of lots numbers one to seventeen inclusive, as shewn on said registered plan and all parts of said lot sold off for village lots on the east end thereof facing on the concession line; those parts of lots numbers twelve and thirteen in the tenth concession of the said Township of Fenelon lying to the west of a line drawn from a point on the southern boundary of lot number twelve at a distance of 500 feet easterly from the Lake Shore to a point on the northern boundary of said lot number thirteen at a distance of 500 feet easterly from the Lake Shore; ~~and~~ lot number ten and *that part of lot number eleven in the eleventh concession of the said township of Fenelon,* lying to the south of a line drawn from a point on the eastern boundary of said lot number eleven at a distance of 500 feet northerly from the lake shore to a point on the western boundary of said lot number eleven at a distance of 500 feet northerly from the southwest angle thereof, and also all parts of said lot number eleven subdivided into village lots as shewn by the registered plan of the subdivision of said lot; ~~and~~ and lot number eleven in the first concession of the township of Verulam, in the county of Victoria; inclusive of all the allowances for roads within or between the said lands.

First election. **3.** On Tuesday the 20th June, 1899, after the passing of this Act it shall be lawful for James M. Knowlson, Esquire, of the town of Lindsay, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and councillors at some prominent place in the said village, at the hour of noon; and he shall preside at such nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer, and the polling for the said election in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

Qualification
at first
election.

4. At the said election the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections, the qualification of electors and of the reeve, councillors and other officers, shall be the same as that required in incorporated villages, except that it shall not be necessary to reside within the municipality or within two miles thereof.

5. The township clerks of the townships of Fenelon and Verulam shall furnish to the returning officer, upon demand, made by him for the same, a certified copy of so much of the last revised assessment rolls of the said townships respectively as may be required, to ascertain the persons entitled to vote at such first election, or with the collector's roll or with any document, writing, or statement that may be required for that purpose.

Clerks of Fenelon and Verulam to furnish copies of assessment roll.

6. The reeve and councillors so to be elected shall hold their first meeting at some prominent place in the said village, at the hour of noon on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

First meeting of council.

7. Except as otherwise provided by this Act, the provisions of *The Municipal Act*, and of all other general Acts respecting municipal institutions, with regard to matters consequent upon the formation of new corporations and other provisions of the said Acts applicable to incorporated villages, shall apply to the village of Sturgeon Point in the same manner as they would have been applicable had the said village of Sturgeon Point been incorporated under the provisions of the said Acts.

Application of general provisions of R.S.O. c. 223.

8. That the said village of Sturgeon Point shall not be entitled to any of the assets and shall not be liable for any of the liabilities of either of the said Townships of Fenelon or Verulam, but the said village shall be entitled to all taxes on property therein to be rated from 1st January, 1899.

Adjustment of debts on incorporation.

9. From and after the passing of this Act the said village shall cease to form part of the townships of Fenelon and Verulam, and shall, to all intents and purposes, form a separate and independent municipality with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

Village separated from Fenelon and Verulam.

10. The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds or any matter whatsoever, required by the clerk of the said village, or other officers of the said village, or otherwise shall be borne by the said village and paid by it to any party that may be entitled thereto.

Expenses of Act.

11. Nothing in this Act contained shall have the effect of disqualifying any member of the municipal councils of the said townships of Fenelon and Verulam or either of them, from holding office in said councils during the current year.

Members of the township council not disqualified.

12. The council of said village may pass a by-law providing for the holding of the municipal elections at some con-

Date for holding election.

venient place in the town of Lindsay, instead of in the said village, and may change the same from time to time or may provide for the elections taking place in the month of June or at any other time instead of the times fixed by *The Municipal Act*.

Offices to be filled by same person.

13. It shall be lawful for the council to appoint the same person to fill the following offices in said village, or any of them, that is to say:—Clerk, treasurer, assessor, collector, fire warden and inspector of public health.

Local Board of Health.

14. It shall not be necessary to appoint any local board of health for the said village, but the Reeve and Councillors shall form the local board of health for the said village and shall have all the powers given to local boards of health.

Village to form part of East Riding of Victoria.

15. The said village is to form part of the electoral district of the east riding of the county of Victoria ~~and~~ and part of the Fifth County Council Division of the County of Victoria.

No. 63.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to incorporate the Village of Sturgeon Point.

First Reading, 21st February, 1899.

*(Reprinted as amended in Private Bills
Committee.)*

Mr. FOX.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 63.]

BILL.

[1899.

An Act to incorporate the Village of Sturgeon Point.

WHEREAS the inhabitants of the village of Sturgeon ^{Preamble}
Point have, by their petition, set forth that it would
greatly conduce to the benefit of the said village to be incor-
porated and have prayed for an Act accordingly; ~~and~~ and
whereas no opposition has been offered to the granting of the
prayer of the said petition; ~~and~~ and whereas it is expedient to
grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. On and after the passing of this Act the inhabitants of ^{Incorporation.}
the said village of Sturgeon Point comprised within the boun-
daries in the second section of this Act mentioned, shall be, and
they are hereby constituted a corporation or body politic,
separate and apart from the townships of Fenelon and Veru-
lam in which the said village is now situated, under the name
of "The corporation of the village of Sturgeon Point," and shall
enjoy all such rights, powers and privileges as are now, or shall
hereafter, be conferred upon incorporated villages in the Pro-
vince of Ontario.

2. The said village of Sturgeon Point shall comprise and ^{Boundaries.}
consist of the following parcels and tracts of land; that is to
say:—

(1) Lot number ten in the 10th concession of the township of Fenelon; ~~and~~ that part of lot number eleven in the tenth concession of the said Township of Fenelon sub-divided into lots as laid down on registered plan No. 73, filed in the Registry Office of the County of Victoria, and a strip of land 232 feet wide lying immediately to the east of lots numbers one to seventeen inclusive, as shewn on said registered plan and all parts of said lot sold off for village lots on the east end thereof facing on the concession line; those parts of lots numbers twelve and thirteen in the tenth concession of the said Township of Fenelon lying to the west of a line drawn from a point on the southern boundary of lot number twelve at a distance of 500 feet easterly from the Lake Shore to a point on the northern boundary of said lot number thirteen at a distance of 500 feet easterly from the Lake Shore; ~~and~~ lot number ten and *that part of lot number eleven in the eleventh concession of the said township of Fenelon,* ~~and~~ lying to the south of a line drawn from a point on the eastern boundary of said lot number eleven at a distance of 500 feet northerly from the lake shore to a point on the western boundary of said lot number eleven at a distance of 500 feet northerly from the southwest angle thereof, and also all parts of said lot number eleven subdivided into village lots as shewn by the registered plan of the subdivision of said lot; ~~and~~ and lot number eleven in the first concession of the township of Verulam, in the county of Victoria; inclusive of all the allowances for roads within or between the said lands.

First election. **3.** On Tuesday the 20th June, 1899, after the passing of this Act it shall be lawful for James M. Knowlson, Esquire, of the town of Lindsay, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and councillors at some prominent place in the said village, at the hour of noon; and he shall preside at such nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer, and the polling for the said election in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

**Qualification
at first
election.**

4. At the said election the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections, the qualification of electors and of the reeve, councillors and other officers, shall be the same as that required in incorporated villages, except that it shall not be necessary to reside within the municipality or within two miles thereof.

5. The township clerks of the townships of Fenelon and Verulam shall furnish to the returning officer, upon demand, made by him for the same, a certified copy of so much of the last revised assessment rolls of the said townships respectively as may be required, to ascertain the persons entitled to vote at such first election, or with the collector's roll or with any document, writing, or statement that may be required for that purpose.

Clerks of Fenelon and Verulam to furnish copies of assessment roll.

6. The reeve and councillors so to be elected shall hold their first meeting at some prominent place in the said village, at the hour of noon on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

First meeting of council.

7. Except as otherwise provided by this Act, the provisions of *The Municipal Act*, and of all other general Acts respecting municipal institutions, with regard to matters consequent upon the formation of new corporations and other provisions of the said Acts applicable to incorporated villages, shall apply to the village of Sturgeon Point in the same manner as they would have been applicable had the said village of Sturgeon Point been incorporated under the provisions of the said Acts.

Application of general provisions of R.S.O. c. 223.

8. ~~the~~ The said village of Sturgeon Point shall not be entitled to any of the assets and shall not be liable for any of the liabilities of either of the said Townships of Fenelon or Verulam, but the said village shall be entitled to all taxes on property therein to be rated from or after 1st January, 1899.

Adjustment of debts on incorporation.

9. From and after the passing of this Act the said village shall cease to form part of the townships of Fenelon and Verulam, and shall, to all intents and purposes, form a separate and independent municipality with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

Village separated from Fenelon and Verulam.

10. The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds or any matter whatsoever, required by the clerk of the said village, or other officers of the said village, or otherwise shall be borne by the said village and paid by it to any party that may be entitled thereto.

Expenses of Act.

11. Nothing in this Act contained shall have the effect of disqualifying any member of the municipal councils of the said townships of Fenelon and Verulam or either of them, from holding office in said councils during the current year.

Members of the township council not disqualified.

12. The council of said village may pass a by-law providing for the holding of the municipal elections at some con-

Date for holding election.

venient place in the town of Lindsay, instead of in the said village, and may change the same from time to time or may provide for the elections taking place in the month of June or at any other time instead of the times fixed by *The Municipal Act*.

Offices to be filled by same person. **13.** It shall be lawful for the council to appoint the same person to fill the following offices in said village, or any of them, that is to say :—Clerk, treasurer, assessor, collector, fire warden and inspector of public health.

Local Board of Health. **14.** ~~It~~ It shall not be necessary to appoint any local board of health for the said village, but the Reeve and Councillors shall form the local board of health for the said village and shall have all the powers given to local boards of health. ~~It~~

Village to form part of East Riding of Victoria. **15.** The said village *shall* form part of the electoral district of the East Riding of the county of Victoria~~and~~ and part of the Fifth County Council Division of the County of Victoria.~~and~~

Village to remain in existing school section. **16.** The said village shall remain a part of the existing school section and shall not be separated therefrom. ~~and~~

2nd Session, 9th Legislature, 62 Viet, 1899.

BILL.

An Act to incorporate the Village of Sturgeon Point.

First Reading,	21st February, 1899.
Second Reading,	6th March, 1899.

*(Reprinted as amended in Committee of
the Whole House.)*

Mr. FOX.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 64.]

BILL.

[1899.

An Act to Consolidate the Floating Debt of the Town of Brampton.

WHEREAS the municipal corporation of the Town of Preamble.
Brampton by their petition have represented that they
have incurred a floating debt of about \$10,000 in addition to
the ordinary expenses of the corporation, for payment of which
5 no funds have been provided: and whereas the said corporation
have represented that the payments to be made on account of
the debenture debts of the said municipality and the said float-
ing debt would be unduly oppressive to the ratepayers; and
whereas the said corporation have by their petition prayed
10 among other things that they may be authorized to issue
debentures to an amount not exceeding in the whole, \$10,000,
and with the money loaned thereon to pay off the present
floating indebtedness; and whereas it is expedient to grant the
prayer of the said petition;

15 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. It shall be lawful for the corporation of the said Town of Power to bor-
Brampton to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be row \$10,000 to
20 pay floating
issued, from any person or persons or body corporate, a sum or debt.
sums sufficient to pay off the said floating indebtedness, not
exceeding in the whole \$10,000.

Issue of debentures to \$10,000.

2. The said corporation of the Town of Brampton may pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor, and countersigned by the treasurer for the time being, in such sums not less than \$100, and not exceeding \$10,000 in the whole, as the said corporation may direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada. 5 10

Power to raise money on debentures.

3. The corporation of the said town may, for the purposes in section 7 of this Act mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell or dispose of the said debentures from time to time as may be deemed expedient. 15

Term of debentures.

4. The said debentures shall be payable in not more than twenty years from the first day of December, A.D. 1899, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of December in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum. 20

Interest on debentures.

Debt to be paid off in annual instalments.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year from the first day of December, 1899, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged. 25 30

Special rate.

6. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest, in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them. 35

Application of proceeds of debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in payment of the said floating debt, not exceeding in the whole \$10,000 as aforesaid, and in no other manner and for no other purpose whatsoever. 40

Assent of electors not required.

8. It shall not be necessary to obtain the assent of the electors of the said Town of Brampton for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto, prescribed by the 45

Rev. Stat., c. 223.

Municipal Act.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By law not to be repealed until debt paid.

10. Nothing in this Act shall be held or taken to discharge the corporation of the Town of Brampton from any indebtedness or liability which may not be included in the said debts of the said town. Indebtedness of town not discharged.

11. The debentures issued under this Act may be in the form contained in Schedule A to this Act and the by-law or by-laws authorizing the same and for the special rate for payment of interest may be in the form of Schedule B to this Act or as near thereto as the said corporation may find convenient. Form of debentures and by-laws.

12. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or any by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or to be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law, or issue of debentures, or as to the application of the proceeds thereof. Inconsistent enactments not to apply.

SCHEDULE A.

(Section. 11.)

PROVINCE OF ONTARIO, TOWN OF BRAMPTON.

No. . \$

Under and by virtue of an Act respecting the floating debt of the Town of Brampton passed by the Legislative Assembly of the Province of Ontario in the sixty-second year of the reign of Her Majesty Queen Victoria, and chaptered and by virtue of By-law No. of the corporation of the Town of Brampton, passed under the provisions contained in the said Act, the corporation of the Town of Brampton promise to pay to the bearer at , in the Town of Brampton, the sum of on the day of , A.D. , and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at the town of Brampton, in the County of Peel, this day of A.D.

Mayor.

Treasurer.

SCHEDULE B.

(Section 11.)

By-law No. to authorize the issue of debentures under the authority of an Act respecting the floating debt of the Town of Brampton.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$10,000 in the whole, as the corporation of the Town of Brampton may in pursuance of and in conformity with the provisions of the said Act direct; and whereas for the purposes of the said Act, it is necessary and expedient to issue debentures to the extent of \$ payable as follows :

with interest thereon at the rate of per centum per annum payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole rateable property of the said Town of Brampton, according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and ninety was \$

Therefore the municipal corporation of the Town of Brampton enacts as follows :

1. Debentures under the said Act, and for the purposes mentioned therein to the extent of the sum of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per centum per annum payable yearly on the day of in each year.

This by-law passed in open council this day of the year of our Lord one thousand eight hundred and ninety-nine.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

To Consolidate the Floating Debt of the
Town of Brampton.

First Reading,	1899.
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(Private Bill.)

Mr. SMITH.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 64.]

BILL.

[1899.]

An Act to consolidate the floating debt of the Town of Brampton

WHEREAS the municipal corporation of the Town of Brampton by their petition have represented that they have incurred a floating debt of about \$10,000 in addition to the ordinary expenses of the corporation, for payment of which no funds have been provided ^{Preamble.} and the said floating debt having arisen from extraordinary expenditure rendered necessary by the collapse of one of the bridges within the limits of the said town, default of a tax collector, payment of heavy costs of litigation, and otherwise, and whereas the said corporation have represented that the payments to be made on account of the debenture debts of the said municipality and the said floating debt would be unduly oppressive to the ratepayers; and whereas the said corporation have by their petition prayed among other things that they may be authorized to issue debentures to an amount not exceeding in the whole, \$10,000, and with the money loaned thereon to pay off the present floating indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall be lawful for the corporation of the said Town of Brampton to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be ^{Power to borrow \$10,000 to pay floating debt}

issued, from any person or persons or body corporate, a sum or sums sufficient to pay off the said floating indebtedness, not exceeding in the whole \$10,000.

Issue of debentures to \$10,000.

2. The said corporation of the Town of Brampton may pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor, and countersigned by the treasurer for the time being, in such sums not less than \$100, and not exceeding \$10,000 in the whole, as the said corporation may direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Power to raise money on debentures.

3. The corporation of the said town may, for the purposes in section 7 of this Act mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell or dispose of the said debentures from time to time as may be deemed expedient.

Term of debentures.

4. The said debentures shall be payable in not more than twenty years from the first day of December, A.D. 1899, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of December in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Interest on debentures.

Debt to be paid off in annual instalments.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year from the first day of December, 1899, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

6. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest, in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Application of proceeds of debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in payment of the said floating debt, not exceeding in the whole \$10,000 as aforesaid, and in no other manner and for no other purpose whatsoever.

8. It shall not be necessary to obtain the assent of the electors of the said Town of Brampton for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto, prescribed by the *Municipal Act*.

Assent of electors not required

Rev. Stat., c. 223.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

By-law not to be repealed until debt paid.

10. Nothing in this Act shall be held or taken to discharge the corporation of the Town of Brampton from any indebtedness or liability which may not be included in the said debts of the said town.

Indebtedness of town not discharged.

11. The debentures issued under this Act may be in the form contained in Schedule A to this Act and the by-law or by-laws authorizing the same and for the special rate for payment of interest may be in the form of Schedule B to this Act or as near thereto as the said corporation may find convenient.

Form of debentures and by-laws.

12. It shall be the duty of the treasurer, from time to time, of the said town, to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Books of account.

13. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or any by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or to be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest or any or either of them or any part thereof, and the purchaser

Inconsistent enactments not to apply.

or holder thereof shall not be bound to inquire as to the necessity of passing such by-law, or issue of debentures, or as to the application of the proceeds thereof.

SCHEDULE A.

(Section. 11.)

PROVINCE OF ONTARIO, TOWN OF BRAMPTON.

No. . \$.

Under and by virtue of an Act respecting the floating debt of the Town of Brampton passed by the Legislative Assembly of the Province of Ontario in the sixty-second year of the reign of Her Majesty Queen Victoria, and chaptered and by virtue of By-law No. of the corporation of the Town of Brampton, passed under the provisions contained in the said Act, the corporation of the Town of Brampton promise to pay to the bearer at , in the Town of Brampton, the sum of on the day of , A.D. , and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at the town of Brampton, in the County of Peel, this day of A.D.

Mayor.
Treasurer.

SCHEDULE B.

(Section 11.)

By-law No. to authorize the issue of debentures under the authority of an Act respecting the floating debt of the Town of Brampton.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$10,000 in the whole, as the corporation of the Town of Brampton may in pursuance of and in conformity with the provisions of the said Act direct; and whereas for the purposes of the said Act, it is necessary and expedient to issue debentures to the extent of \$ payable as follows :

with interest thereon at the rate of per centum per annum payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole rateable property of the said Town of Brampton, according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and ninety was \$

Therefore the municipal corporation of the Town of Brampton enacts as follows :

1. Debentures under the said Act, and for the purposes mentioned therein to the extent of the sum of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per centum per annum payable yearly on the day of in each year.

This by-law passed in open council this day of the year of our Lord one thousand eight hundred and ninety-nine.

BILL.

To Consolidate the Floating Debt of the
Town of Brampton.

First Reading, 23rd February, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

MR. SMITH.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend the Act to enable the trustees of the Canada Presbyterian Church in Osgoode to convey parts of the Church Lands to other trustees for a Burial Ground.

WHEREAS the trustees of the Osgoode Burial Ground Preamble.
have by their petition prayed that an Act may be passed to enable them the said trustees to levy upon the holder or holders of any lot or lots in their burial ground a fee of not
5 more than fifty cents in any year for each lot so as to enable them the said trustees to better preserve and improve the said burial ground.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts
10 as follows :—

1. Chapter 85 of the Acts passed in the 34th year of Her 34 V.C. 85
Majesty's reign entitled *An Act to enable the Trustees of the* amended.
Canada Presbyterian Church in Osgoode to convey parts of the Church-Lands to other Trustees for a Burial Ground is
15 amended by adding thereto after section 5 thereof, the following section :

5.—(a) In case the fees mentioned in the next preceding section shall not be sufficient for the proper maintenance, improvement and repairing of the said
20 burial ground the said trustees may pass one by-law in any or every year authorizing the levying

and collecting from the holder or holders of any lot or lots in said burial ground a sum not exceeding fifty cents for each lot held by them, and the said trustees may enforce payment of the sum or sums so levied upon the said holder or holders of 5 said lot or lots by action against the said holder or holders in any court of competent jurisdiction and the moneys so levied and collected shall be used by the said trustees in the maintenance, repairing and improvement of the said burial ground. 10

2nd Session, 9th Legislature, 62 Vic. 1899.

BILL.

An Act to amend the Act to enable the trustees of the Canada Presbyterian Church in Osgoode to convey parts of the church lands to other trustees for a burial ground,

First Reading,	1899.
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(Private Bill.)

Mr. GUTHBORD.

TORONTO :

Printed by L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 65.]

BILL.

[1899.

An Act to amend the Act to enable the trustees of the Canada Presbyterian Church in Osgoode to convey parts of the Church Lands to other trustees for a Burial Ground.

WHEREAS the trustees of the Osgoode Burial Ground ^{Preamble.} have by their petition prayed that an Act may be passed to *confer upon* them the said trustees ^{and} additional powers for the purpose of enabling ^{and} them the said trustees to better preserve and improve the said burial ground; ^{and} whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition. ^{Enacted.}

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Chapter 85 of the Acts passed in the 34th year of Her Majesty's reign intituled *An Act to enable the Trustees of the Canada Presbyterian Church in Osgoode to convey parts of the Church-Lands to other Trustees for a Burial Ground* is amended by adding thereto after section 5 thereof, the following section : ^{34 Vict. c. 85 amended.}

- 5.—(a) In case the fees mentioned in the next preceding section shall not be sufficient for the proper maintenance, improvement and repairing of the said burial ground the said trustees may pass one by—

law in any or every year authorizing the levying and collecting from the holder or holders of any lot or lots in said burial ground a sum not exceeding fifty cents for each lot held by them, and the said trustees may enforce payment of the sum or sums so levied upon the said holder or holders of said lot or lots by action against the said holder or holders in any court of competent jurisdiction and the moneys so levied and collected shall be used by the said trustees in the maintenance, repairing and improvement of the said burial ground.

BILL.

An Act to amend the Act to enable the trustees of the Canada Presbyterian Church in Osgoode to convey parts of the church lands to other trustees for a burial ground,

First Reading, 23rd February, 1899.

*(Reprinted as amended in Private Bills
Committee.)*

Mr. GUIBORD.

TORONTO :

Printed by L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 66.]

BILL

[1899.

An Act to enable Horatio C. Crease to practise Dentistry.

WHEREAS Horatio C. Crease, of the town of Barrie, in the
county of Simcoe and province of Ontario, hath by his
petition set forth that he regularly graduated from the Phila-
delphia Dental College in March, 1893, and that during the
5 years 1889, 1890, 1891 and part of 1892 when not attending
said dental college he was engaged as a dental student with
properly admitted dentists at the towns of Barrie and Midland
in the county of Simcoe, that he matriculated at the Royal
College of Dental Surgeons of Ontario and attended said col-
10 lege as a student of the senior class during the college term
1896-7 and was prepared to pass a like examination prescribed
for other students of the said senior class of said college but
said college refused to permit him so to do and required that
he should pass in further and other subjects than those upon
15 which said senior class were required to pass; and whereas the
said Horatio C. Crease has paid all lecture and examination
fees to said college to entitle him to a certificate to practise
dentistry in the province of Ontario: and whereas the said
Horatio C. Crease has prayed that a special Act may be passed
20 authorizing the Royal College of Dental Surgeons to admit
him and to authorize him to practise dentistry; and whereas
it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
25 as follows :—

Authority to
dental college
to admit H. C.
Crease.

1. The Royal College of Dental Surgeons of Ontario shall admit the said Horatio C. Crease as a licentiate of dental surgery and issue to him the proper certificate entitling him to practise dentistry in the province of Ontario without passing any further examination or without payment of any further fees in that behalf and the said Horatio C. Crease is hereby authorized to practise dentistry in the province of Ontario, any law or usage to the contrary notwithstanding. 5

No. 66.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to enable Horatio C. Crease to
practice Dentistry.

First Reading	1899.
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(Private Bill.)

Mr. THOMPSON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 66.]

BILL.

[1899.

An Act to enable Horatio C. Crease to practise dentistry.

WHEREAS Horatio C. Crease, of the town of Barrie, in the county of Simcoe and province of Ontario, hath by his petition set forth that he regularly graduated from the Philadelphia Dental College in March, 1893, and that during the years 1889, 1890, 1891 and part of 1892 when not attending said dental college he was engaged as a dental student with properly admitted dentists at the towns of Barrie and Midland in the county of Simcoe, that he matriculated at the Royal College of Dental Surgeons of Ontario and attended said college as a student of the senior class during the college term 1896-7 and *offered* to pass *the* examination prescribed for students of the said senior class of said college; ^{Preamble.} and whereas there has been misunderstanding and dispute between the said Horatio C. Crease and the authorities of the said College as to the subjects upon which he, the said Horatio C. Crease, should be so examined and required to pass; that whereas the said Horatio C. Crease has paid all lecture and examination fees to said college to entitle him to a certificate to practise dentistry in the province of Ontario; and whereas the said Horatio C. Crease has prayed that a special Act may be passed authorizing the Royal College of Dental Surgeons to admit him to practice dentistry ^{on} his passing the final examination on all subjects other than chemistry; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent

of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to
dental college
to admit H. C.
Crease,

1. The Royal College of Dental Surgeons of Ontario shall admit the said Horatio C. Crease as a licentiate of dental surgery and issue to him the proper certificate entitling him to practise dentistry in the province of Ontario *on* passing ~~the~~ the final examination on all subjects other than chemistry and on payment of the proper fees in respect thereof. *BCV*

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to enable Horatio C. Crease to
practice Dentistry.

First Reading 28th February, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

Mr. THOMPSON.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 67.]

BILL

[1899.

An Act relating to the Sault Ste. Marie and Hudsons Bay Railway Company.

WHEREAS the Sault Ste. Marie and Hudsons Bay Railway Company has petitioned for an Act to extend the times for the commencement and completion of its railway; to empower the company to open and operate a waggon road from a point on the Canadian Pacific Railway at or near Missanabie Station to navigable water on Moose River; to authorize the company to change its name and to make traffic or other agreements with and to amalgamate with other companies having powers to operate railways or boats to or beyond Hudsons Bay; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The times for the commencement and completion of the said railway are hereby extended for three years beyond the respective periods fixed therefor by the Act passed in the fifty-ninth year of Her Majesty's reign chaptered 108.

Extension of time for commencement and completion.

2. The company is empowered to lay out, construct, equip and operate a waggon road as a stage and mail route from or near the point of the crossing by its line of the main line of the Canadian Pacific Railway to the navigable waters of the Moose River north of the Long Portage, and to fix and regulate tolls

Location of waggon road.

for the transport of persons and property thereon or on any section thereof, and to demand and receive such tolls pending the completion of its railway in the same direction.

Change of corporate name

3. The company may by a vote of two-thirds of the stockholders change its name to that of "The Ontario, Hudsons Bay and Western Railway and Navigation Company." 5

Authority to make agreements or amalgamate with other companies.

4. The company may enter into traffic or other agreements with one or more companies having power to operate railways or boats from its northern terminus to ports or places on or beyond Hudsons Bay and by a vote of two-thirds of its stockholders may amalgamate with any such company or companies under such name as may be adopted by a vote of two-thirds of the stockholders of the companies thus amalgamated. 10

2nd Session, 9th Legislature, 62 Vict. 1899.

BILL

An Act relating to the Sault Ste. Marie and
Hudsons Bay Railway Company.

First Reading.	1899.
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(Private Bill)

MR. CHARLTON.

TORONTO :

PRINTED BY L. K. GARROW,

Printer to the Queen's Most Excellent Majesty.

No. 67.]

BILL.

[1899.

An Act relating to the Sault Ste. Marie and Hudsons Bay Railway Company.

WHEREAS the Sault Ste. Marie and Hudsons Bay Railway Company has petitioned for an Act to extend the times for the commencement and completion of its railway; to empower the company to open and operate a waggon road from a point on the Canadian Pacific Railway at or near Missanabie Station to navigable water on Moose River⁴²⁷ and thence to tide water at or near the mouth of Moose River;⁴²⁸ to authorize the company to change its name and to make traffic or other agreements with and to amalgamate with *any* other company having powers to operate railways or boats to or beyond Hudsons Bay; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The times for the commencement and completion of the said railway are hereby extended for three years beyond the respective periods fixed therefor by the Act passed in the fifty-ninth year of Her Majesty's reign chaptered 108.

Extension of time for commencement and completion.

2. The company is empowered to lay out, construct, equip and operate a waggon road as a stage and mail route from or near the point of the crossing by its line of the main line of the Canadian Pacific Railway to the navigable waters of the Moose

Location of waggon road.

River north of the Long Portage⁴²⁷ and thence to tide water at or near the mouth of Moose River⁴²⁸ and to fix and regulate tolls for the transport of persons and property thereon or on any section thereof, and to demand and receive such tolls pending the completion of its railway in the same direction;⁴²⁹ but no tolls shall be levied or taken until approved of by the Lieutenant-Governor in Council, nor until after two weekly publications in *The Ontario Gazette* of the by-law establishing such tolls and of the Order in Council approving thereof.

Change of corporate name

⁴³⁰ 3. The name of the Sault Ste. Marie and Hudsons Bay Railway Company is hereby changed, and the corporate name of the company is hereby declared to be the The Ontario, Hudsons Bay and Western Railways Company.

Authority to make agreements or amalgamate.

⁴³¹ 4. The company shall have power to amalgamate with or to agree for connections and traffic arrangements with The Hudsons Bay and Yukon Railways and Navigation Company if lawfully authorized to enter into such arrangements, upon terms to be approved of by two-thirds in value of the shareholders voting either in person or represented by proxy at a special general meeting to be called for the purpose of considering the same; but nothing in this section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.⁴³²

No. 67.

2nd Session, 9th Legislature, 62 Vic. 1899.

BILL.

An Act relating to the Sault Ste Marie and
Hudsons Bay Railway Company.

First Reading, 21st February, 1899.

*(Reprinted as Amended by Railway
Committee.)*

Mr. CHARLTON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to incorporate the Toronto Western Hospital.

WHEREAS A. M. Cosby, E. F. Clarke, Thomas Crawford,^P
James Scott, D. W. Alexander, W. R. Riddell, C. H.
Carveth, J. Spence, J. B. Gullen, J. Ferguson, J. McCullough,
and Price Brown have by their petition represented that in the
5 west end of Toronto in the year 1895 there was established ac-
cording to by-laws governing such institutions a hospital entitled
"The Toronto Western Hospital," and that the society estab-
lishing the said hospital was composed of gentlemen each sub-
scribing the sum of \$100 towards its maintenance, and that a
10 board of twelve trustees was duly elected by the society to con-
trol the finances and the general business of the said hospital,
and that the said board of trustees duly appointed a large and
efficient staff of physicians and surgeons to attend to the re-
quirements of patients admitted to the hospital, and to the
15 out-door departments thereof. The appointment of said staff
of physicians and surgeons, being fixed by special by-law and
with various regulations and appointments, were in accordance
with the rules and by-laws governing public hospitals and en-
titled them to the financial support by a per capita rate of the
20 city of Toronto and the government of Ontario, and that the
said hospital since its inauguration has had a constantly in-
creasing number of patients until the wards are practically
now filled, whilst many persons are seeking admittance for
whom accommodation cannot be found; and whereas the said
25 persons have by their petition prayed for the passing of an
Act incorporating The Toronto Western Hospital with all the

powers and privileges usually accorded to such institutions ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts 5 as follows :—

- Incorporation.** 1. The society of The Toronto Western Hospital are hereby constituted a body corporate and politic under the name of The Toronto Western Hospital and by that name shall have perpetual succession, and a common seal and may under that 10 name sue and be sued and shall have all the other powers and privileges hereinafter mentioned, and also all the other powers, privileges and immunities vested by law in corporations necessary or proper for the carrying out of the objects of incorporation.
2. The said corporation of The Toronto Western Hospital 15 hereinafter called "a corporation" shall be composed of all members who have heretofore subscribed \$100 towards the maintenance of the said hospital or shall in the future subscribe \$100 or more towards its support.
- Provisional governors.** 3. The corporation shall assign the control and manage- 20 ment of the hospital to a board of governors to be elected or appointed as hereinafter provided, and the said A. M. Cosby, E. F. Clarke, Thomas Crawford, James Scott, D. W. Alexander, W. R. Riddell, C. H. Carveth, J. Spence, J. B. Fullen, J. Ferguson, J. McCollough and Price Brown, the present board of 25 trustees of The Toronto Western Hospital, shall remain in office as provisional governors until their successors are duly and legally decided upon and shall be eligible for re-election
- Head office.** 4. The head office of the corporation shall be in the city of Toronto. 30
- Life members** 5. Every person who shall give to the corporation for the purpose of the hospital a sum of one thousand dollars or upwards, shall thereby become a life member of the board of governors and be eligible for any of the elective offices of the board of governors. 35
- Patron.** 6. Any person giving the sum of five thousand dollars or upwards to the Western Hospital, shall not only become thereby a life member of the board of governors, but shall also be styled a patron of the hospital ; and in the event of his or her death a suitable tablet shall be erected within the hospital 40 dedicated to his or her memory.
- Governors.** 7. The corporation at each and every annual meeting shall elect twelve governors, other than those then already occupy-

ing the position of life members by virtue of sections 5 and 6 of this Act, to be governors of the hospital, said governors to retain the position for one year and to be eligible for re-election.

8. The corporation may establish and maintain in the city Objects of corporation.
 5 of Toronto a public general hospital to be called "The Toronto Western Hospital," for the treatment and care of sick and injured persons, and for that purpose may acquire by purchase or otherwise and may hold and again dispose of any such property, real or personal, as may be necessary or desirable for the
 10 purposes of the corporation and may erect, furnish and equip such buildings as are considered necessary for its purposes.

9. The corporation may obtain subscriptions and take all Gifts.
 gifts, legacies and bequests of money or other personalty and may in addition to such lands as may be required for the carrying
 15 out of the objects of this Act take by gift, devise or bequest lands, tenements or hereditaments or interest therein, the annual value of which together with all other lands, tenements or hereditaments or any interest therein theretofore acquired by like means and then held by the corporation,
 20 shall not exceed in the whole twenty thousand dollars, but the lands, tenements or hereditaments other than those required for the carrying out of the objects of this Act, shall not be held for a longer period than seven years from the acquisition thereof and within that period they shall be absolutely disposed of by
 25 the said corporation, and any such lands, tenements or hereditaments as have not within the said period been so disposed of shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns, and all monies, the proceeds of sales of any such lands or other property and all
 30 or any part of the moneys derived therefrom or from any other source, may be invested from time to time in mortgage securities upon real estate whether freehold or leasehold, in municipal debentures, or the debentures of any society or company or in any other kind of security in which under section
 35 30 of chapter 110 of the Revised Statutes of the Province of Ontario or under any Act in amendment thereof, a trustee may invest trust money.

10.—(1). The corporation may sell, convey, lease or otherwise Sell lands and invest proceeds.
 40 wise dispose of from time to time any of its lands or other property acquired by it and invest the proceeds or revenue as aforesaid in any of the classes of security referred to in the next preceding section hereof or apply the same otherwise for the purposes of the corporation.

(2) The corporation may borrow or raise money for the Authority to issue debentures.
 45 purposes of the corporation by mortgage upon its property or any part thereof or by the issue of bonds or debentures of the corporation payable at such times and for such amounts and at

such rate of interest as may be considered advisable and may secure such bonds by deed of mortgage upon its property or any part thereof or otherwise and the corporation may become a party to promissory notes and bills of exchange for the purposes of the corporation for such amounts as may be considered necessary or advisable by the board of governors. 5

Negotiable
instruments.

(3) Every such promissory note or bill made, drawn or endorsed by the president or vice-president as such officer, and countersigned by the secretary as such officer, shall, without the corporate seal, be binding upon the corporation, and every deed or other document to which the corporation is a party and to which the corporate seal of the corporation is attached and which is signed by the president or vice-president and countersigned by the secretary as such officers respectively, shall be binding upon the corporation. 15

Nationality
and creed not
a bar.

11. No one shall ever, at any time, on account only of his nationality or the religious creed or sect to which he belongs, be disqualified from being a governor of, or from taking part or having a voice in or a vote as to the government or management of the corporation or of the said hospital, or from being a member of the medical board hereinafter mentioned, or otherwise an officer or employee of or connected professionally or otherwise with the corporation of the said hospital, or from being admitted as a patient into or from being treated in said hospital. 25

Management.

12. The affairs of the corporation shall, subject to the provisions hereinafter contained as to the powers, authority and duties of the medical board, be managed and controlled by the board of governors hereinbefore mentioned.

Election of
governors.

13. At an early date after the passing of this Act, a meeting of the corporation shall be called for the election of a board of governors as hereinbefore provided for, at which meeting ten shall form a quorum. 30

Medical
Board.

14. There shall, for the purposes of the hospital, be a medical board consisting of not less than ten physicians and surgeons who shall be duly registered medical practitioners of the Province of Ontario, and such medical board shall have, subject to the provisions hereinafter contained, the sole right of electing additional members to the medical board, and also of electing successors to any vacancies which may take place on the staff; and shall also have sole charge and control, subject to the provisions of this Act, of the medical and surgical affairs of the hospital, in so far as the admission of patients into the hospital, their medical and surgical treatment there and their discharge from the hospital are concerned. 45

15 The following named persons, that is to say, Drs. S. T. Barton, Price Brown, C. H. Carveth, J. H. Cotton, E. Clouse, A. Davidson, F. J. Dawson, L. Davis, J. Ferguson, H. P. H. Galloway, J. B. Gullen, J. M. Hart, J. S. Hart, S. M. Hay, J. Hunter, A. A. Macdonald, J. McCullough, William Nattress, L. L. Palmer, J. Spence, R. A. Stevenson, J. A. Watson, T. S. Webster and W. J. Wilson and their duly elected and appointed successors and any additional members (if any) to be hereafter elected or appointed to the medical board, shall constitute the medical board of the hospital.

Members of
Medical
Board.

16. The said named members of the medical board and their successors and any additional members if any, that may be appointed as aforesaid and their successors, shall each hold their positions on said board until they vacate the same by death or resignation or by their absence from the hospital for one year without permission of the medical board (which shall of itself vacate such position), or by their removal from office as hereinafter provided, and in the event of such vacancy from any cause, the medical board shall forthwith, at a meeting thereof regularly held, elect a successor to fill the vacancy thus created, and as to any additional members to be added their election shall be in accordance with the rules laid down by and governing the medical board.

Term of office.

17. If any member of the medical board is guilty of unprofessional conduct as laid down in such code of ethics as may from year to year be adopted by the medical board, or is guilty of such infamous conduct as to destroy his usefulness as a member of such board, or thereby to imperil the reputation and good name of the hospital, he may, on the recommendation to that effect of the medical board, be dismissed from such office by the board of governors.

Dismissal
from office.

18. There shall be held once in each year on such date not alter than the day following the date of the annual meeting of the corporation, and upon such notice and called in such manner as shall be fixed by by-law of the board of governors, a meeting of the said medical board to be called the "annual meeting," and the said board shall also hold such other meetings, regular or special, as they think proper.

Annual
Meeting.

19. At the first meeting of the medical board provided for in clause fifteen of this Act, there shall be elected by the said board, by and from amongst the members of said board, a dean and a secretary who shall hold office respectively until the first annual meeting of said board, and at each annual meeting there shall in like manner be elected from amongst the members of the said board, a chairman and a secretary, who shall hold office as such until the next annual meeting.

Dean, secre-
tary and
chairman.

Record of
Medical
Board.

20. The medical board shall keep a record of their proceedings, and shall make such rules and regulations, and may from time to time change the same as may be necessary for the calling and holding of their meetings, except the annual meeting, for prescribing the duties of the medical staff, of the medical superintendent or other like officer, and of the other medical officers, and as to the medical and surgical affairs of the hospital and the carrying out of the other duties and functions of the medical board under this Act. 5

Regulations
of Medical
Board.

21. The medical board shall adopt such rules and regulations and change the same from time to time as they may deem best for the purpose of regulating the nursing in the hospital, for assigning the duties and hours of service of the nurses, and for suspension of any nurse who has been derelict in her duties or has been guilty of such cause of suspension as may be laid down in the said rules. 15

Maintenance
of laboratories
or museums.

22. The medical board may also make and change from time to time rules and regulations for the efficient maintenance, conduct and management of such chemical, pathological and anatomical laboratories or museums as they may determine to establish for the purpose of carrying out such experiments and providing such demonstration as they may deem advisable for the efficient investigation of the scientific aspects of medical subjects, and may also give bed-side and other instruction and demonstration to such persons as may in the opinion of the medical board derive benefit from the same. 25

Admission of
students.

23. The medical board may also make and change from time to time such rules and regulations for the admission of and may admit students of medicine into the wards of the hospital as and upon such terms as the medical board may deem advisable, and the said board may frame a tariff of fees to be payable by such students for the privilege of attending the wards of the hospital and such students' fees shall be collected and paid to the treasurer of the corporation for its uses. 30 35

Outdoor de-
partment.

24. The medical board may adopt and change from time to time rules and regulations for the carrying on of an outdoor department or departments of the hospital in which may be treated such indigent poor as may be unable to secure medical or surgical treatment and medicine other than in a free dispensary or hospital. 40

Attending and
consulting
staff.

25. The medical board may also provide for the division of the medical board into two branches to be called "The Attending Staff" and "The Consulting Staff" respectively, and may from time to time make and change such rules and regulations as to the appointment or assignment of members to the said respective staffs as the medical board may deem ad- 45

visable and may also at any time put an end to any such division if they see fit to do so.

26. The corporation may establish and maintain in connection with the hospital a training school for nurses whereby nurses may receive a thorough training and be given a diploma upon completing the curriculum and passing the medical and nursing examinations required, and may also establish and maintain a home for nurses whereby nurses who have been properly trained may be supplied to private families in the City of Toronto and elsewhere.

Training
school for
nurses.

27. The corporation may also establish and maintain according to rules adopted by the medical board a maternity hospital for the purpose of taking care of maternity patients.

Maternity
hospital.

28. The corporation may establish and maintain under such rules and regulations as may from time to time be passed for that purpose by the medical board, an infectious diseases hospital at or near the City of Toronto, and may enter into a contract with the City of Toronto and other municipalities to take charge of and isolate by means of such hospital all cases of infectious diseases arising in any of said municipalities.

Infectious dis-
eases hospital.

29. Clergymen of all denominations will be welcome as visitors to the hospital, but no patient shall be constrained to hear any religious services or reading by any person or persons contrary to such patient's desire.

Clergymen.

30. The board of trustees may appoint a ladies' auxiliary board to aid in the internal management and arrangement of the hospital. Their actions to be subject to the approval of the trustee board.

Ladies'
Auxiliary.

31. There shall be presented at each annual meeting of the corporation a report as to the financial position of the corporation and as to the affairs of the hospital and the work done by it during the previous year.

Annual finan-
cial report.

No. 68.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act to Incorporate the Toronto Western
Hospital.

First Reading.

1899.

(Private Bill.)

MR. CRAWFORD.

TORONTO:

PRINTED BY J. K. CAMERON.

Printer to the Queen's Most Excellent Majesty.

No. 68.]

BILL.

[1899.

An Act to incorporate the Toronto Western Hospital.

WHEREAS A. M. Cosby, E. F. Clarke, Thomas Crawford, ^{Preamble.} James Scott, D. W. Alexander, W. R. Riddell, G. H. Carveth, J. Spence, J. B. Gullen, J. Ferguson, J. McCullough, and Price Brown have by their petition represented that in the west end of Toronto in the year 1895 there was established according to by-laws governing such institutions a hospital entitled "The Toronto Western Hospital," and that the society establishing the said hospital was composed of gentlemen each subscribing the sum of \$100 towards its maintenance, and that a board of twelve trustees was duly elected by the society to control the finances and the general business of the said hospital, and that the said board of trustees duly appointed a large and efficient staff of physicians and surgeons to attend to the requirements of patients admitted to the hospital, and to the out-door departments thereof, the appointment of said staff of physicians and surgeons being fixed by special by-law, and *that these* various regulations and appointments, were in accordance with the rules and by-laws governing public hospitals and entitled them to the financial support by a per capita rate of the city of Toronto and the government of Ontario, and that the said hospital since its inauguration has had a constantly increasing number of patients until the wards are practically now filled, whilst many persons are seeking admittance for whom accommodation cannot be found; and whereas the said persons have by their petition prayed for the passing of an Act incorporating The Toronto Western Hospital with all the

powers and privileges usually accorded to such institutions ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Incorporation. 1. The *said petitioners and others* are hereby constituted a body corporate and politic under the name of The Toronto Western Hospital and by that name shall have perpetual succession, and a common seal and may under that name sue and be sued and shall have all the other powers and privileges hereinafter mentioned, and also all the other powers, privileges and immunities vested by law in corporations necessary or proper for the carrying out of the objects of incorporation.

2. The said corporation of The Toronto Western Hospital hereinafter called "the corporation" shall be composed of all members who have heretofore subscribed \$100 towards the maintenance of the said hospital or shall in the future subscribe \$100 or more towards its support.

**Provisional
governors.**

3. The corporation shall assign the control and management of the hospital to a board of governors to be elected or appointed as hereinafter provided, and the said A. M. Cosby, E. F. Clarke, Thomas Crawford, James Scott, D. W. Alexander, W. R. Riddell, G. H. Carveth, J. Spence, J. B. Gullen, J. Ferguson, J. McCullough and Price Brown, the present board of trustees of The Toronto Western Hospital, shall remain in office as provisional governors until their successors are duly and legally decided upon and shall be eligible for re-election

Head office.

4. The head office of the corporation shall be in the city of Toronto.

Life members.

5. Every person who shall give to the corporation for the purpose of the hospital a sum of one thousand dollars or upwards, shall thereby become a life member of the board of governors and be eligible for any of the elective offices of the board of governors.

Patron.

6. Any person giving the sum of \$5,000 or upwards to the *Corporation*, shall not only become thereby a life member of the board of governors, but shall also be styled a patron of the hospital ; and in the event of his or her death a suitable tablet shall be erected within the hospital dedicated to his or her memory.

Governors.

7. The corporation at each and every annual meeting shall elect twelve governors, other than those then already occupy-

ing the position of life members by virtue of sections 5 and 6 of this Act, to be governors of the hospital, said governors to retain the position for one year and to be eligible for re-election.

8. The corporation may establish and maintain in the city of Toronto a public general hospital to be called "The Toronto Western Hospital," for the treatment and care of sick and injured persons, and for that purpose may acquire by purchase or otherwise and may hold and again dispose of any such property, real or personal, as may be necessary or desirable for the purposes of the corporation and may erect, furnish and equip such buildings as are considered necessary for its purposes. Objects of corporation.

9. The corporation may obtain subscriptions and take all gifts, legacies and bequests of money or other personalty and may in addition to such lands as may be required for the carrying out of the objects of this Act take by gift, devise or bequest lands, tenements or hereditaments or interest therein, the annual value of which together with all other lands, tenements or hereditaments or any interest therein theretofore acquired by like means and then held by the corporation, shall not exceed in the whole twenty thousand dollars, but the lands, tenements or hereditaments other than those required for the carrying out of the objects of this Act, shall not be held for a longer period than seven years from the acquisition thereof and within that period they shall be absolutely disposed of by the said corporation, and any such lands, tenements or hereditaments as have not within the said period been so disposed of shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns, and all monies, the proceeds of sales of any such lands or other property and all or any part of the moneys derived therefrom or from any other source, may be invested from time to time in mortgage securities upon real estate whether freehold or leasehold, in municipal debentures, or the debentures of any society or company or in any other kind of security in which under the provisions of chapter 130 of the Revised Statutes of the Province of Ontario or under any Act in amendment thereof, a trustee may invest trust money. Gifts.

10.—(1). The corporation may sell, convey, lease or otherwise dispose of from time to time any of its lands or other property acquired by it and invest the proceeds or revenue as aforesaid in any of the classes of security referred to in the next preceding section hereof or apply the same otherwise for the purposes of the corporation. Sell lands and invest proceeds.

(2) The corporation may borrow or raise money for the purposes of the corporation by mortgage upon its property or any part thereof or by the issue of bonds or debentures of the corporation payable at such times and for such amounts and at Authority to issue debentures.

such rate of interest as may be considered advisable and may secure such bonds by deed of mortgage upon its property or any part thereof or otherwise and the corporation may become a party to promissory notes and bills of exchange for the purposes of the corporation for such amounts as may be considered necessary or advisable by the board of governors.

Negotiable
instruments.

(3) Every such promissory note or bill made, drawn or endorsed by the president or vice-president as such officer, and countersigned by the secretary as such officer, shall, without the corporate seal, be binding upon the corporation, and every deed or other document to which the corporation is a party and to which the corporate seal of the corporation is attached and which is signed by the president or vice-president and countersigned by the secretary as such officers respectively, shall be binding upon the corporation.

Nationality
and creed not
a bar.

11. No one shall ever, at any time, on account only of his nationality or the religious creed or sect to which he belongs, be disqualified from being a governor of, or from taking part or having a voice in or a vote as to the government or management of the corporation or of the said hospital, or from being a member of the medical board hereinafter mentioned, or otherwise an officer or employee of or connected professionally or otherwise with the corporation of the said hospital, or from being admitted as a patient into or from being treated in said hospital.

Management.

12. The affairs of the corporation shall, subject to the provisions hereinafter contained as to the powers, authority and duties of the medical board, be managed and controlled by the board of governors hereinbefore mentioned.

Election of
governors.

13. At an early date after the passing of this Act, a meeting of the corporation shall be called for the election of a board of governors as hereinbefore provided for, at which meeting ten shall form a quorum.

Medical
Board.

14. There shall, for the purposes of the hospital, be a medical board consisting of not less than ten physicians and surgeons who shall be duly registered medical practitioners of the Province of Ontario, and such medical board shall have, subject to the provisions hereinafter contained, the sole right of electing additional members to the medical board, and also of electing successors to any vacancies which may take place on the staff; and shall also have sole charge and control, subject to the provisions of this Act, of the medical and surgical affairs of the hospital, in so far as the admission of patients into the hospital, their medical and surgical treatment there and their discharge from the hospital are concerned.

15. The following named persons, that is to say, Drs. S. T. Barton, Price Brown, G. H. Carveth, J. H. Cotton, E. Clouse, A. Davidson, F. J. Dawson, L. Davis, J. Ferguson, H. P. H. Galloway, J. B. Gullen, J. M. Hart, J. S. Hart, S. M. Hay, J. Hunter, A. A. Macdonald, J. McCullough, William Nattress, L. L. Palmer, J. Spence, R. A. Stevenson, J. A. Watson, T. S. Webster and W. J. Wilson and their duly elected and appointed successors and any additional members (if any) to be hereafter elected or appointed to the medical board, shall constitute the medical board of the hospital. Members of
Medical
Board.

16. The said named members of the medical board and their successors and any additional members if any, that may be appointed as aforesaid and their successors, shall each hold their positions on said board until they vacate the same by death or resignation or by their absence from the hospital for one year without permission of the medical board (which shall of itself vacate such position), or by their removal from office as hereinafter provided, and in the event of such vacancy from any cause, the medical board shall forthwith, at a meeting thereof regularly held, elect a successor to fill the vacancy thus created, and as to any additional members to be added their election shall be in accordance with the rules laid down by and governing the medical board. Term of office.

17. If any member of the medical board is guilty of unprofessional conduct as laid down in such code of ethics as may from year to year be adopted by the medical board, or is guilty of such infamous conduct as to destroy his usefulness as a member of such board, or thereby to imperil the reputation and good name of the hospital, he may, on the recommendation to that effect of the medical board, be dismissed from such office by the board of governors. Dismissal
from office.

18. There shall be held once in each year on such date not alter than the day following the date of the annual meeting of the corporation, and upon such notice and called in such manner as shall be fixed by by-law of the board of governors, a meeting of the said medical board to be called the "annual meeting," and the said board shall also hold such other meetings, regular or special, as they think proper. Annual
Meeting.

19. At the first meeting of the medical board provided for in clause fifteen of this Act, there shall be elected by the said board, by and from amongst the members of said board, a dean and a secretary who shall hold office respectively until the first annual meeting of said board, and at each annual meeting there shall in like manner be elected from amongst the members of the said board, a chairman and a secretary, who shall hold office as such until the next annual meeting. Dean, secre-
tary and
chairman.

Record of
Medical
Board.

20. The medical board shall keep a record of their proceedings, and shall make such rules and regulations, and may from time to time change the same as may be necessary for the calling and holding of their meetings, except the annual meeting, for prescribing the duties of the medical staff, of the medical superintendent or other like officer, and of the other medical officers, and as to the medical and surgical affairs of the hospital and the carrying out of the other duties and functions of the medical board under this Act.

Regulations
of Medical
Board.

21. The medical board shall adopt such rules and regulations and change the same from time to time as they may deem best for the purpose of regulating the nursing in the hospital, for assigning the duties and hours of service of the nurses, and for suspension of any nurse who has been derelict in her duties or has been guilty of such cause of suspension as may be laid down in the said rules.

Maintenance
of laboratories
or museums.

22. The medical board may also make and change from time to time rules and regulations for the efficient maintenance, conduct and management of such chemical, pathological and anatomical laboratories or museums as they may determine to establish for the purpose of carrying out such experiments and providing such demonstration as they may deem advisable for the efficient investigation of the scientific aspects of medical subjects, and may also give bed-side and other instruction and demonstration to such persons as may in the opinion of the medical board derive benefit from the same.

Admission of
students.

23. The medical board may also make and change from time to time such rules and regulations for the admission of and may admit students of medicine into the wards of the hospital as and upon such terms as the medical board may deem advisable, and the said board may frame a tariff of fees to be payable by such students for the privilege of attending the wards of the hospital and such students' fees shall be collected and paid to the treasurer of the corporation for its uses.

Outdoor de-
partment.

24. The medical board may adopt and change from time to time rules and regulations for the carrying on of an outdoor department or departments of the hospital in which may be treated such indigent poor as may be unable to secure medical or surgical treatment and medicine other than in a free dispensary or hospital.

Attending and
consulting
staff.

25. The medical board may also provide for the division of the medical board into two branches to be called "The Attending Staff" and "The Consulting Staff" respectively, and may from time to time make and change such rules and regulations as to the appointment or assignment of members to the said respective staffs as the medical board may deem ad-

visable and may also at any time put an end to any such division if they see fit to do so.

26. The corporation may establish and maintain in connection with the hospital a training school for nurses whereby nurses may receive a thorough training and be given a diploma upon completing the curriculum and passing the medical and nursing examinations required, and may also establish and maintain a home for nurses whereby nurses who have been properly trained may be supplied to private families in the City of Toronto and elsewhere. Training school for nurses.

27. The corporation may also establish and maintain according to rules adopted by the medical board a maternity hospital for the purpose of taking care of maternity patients. Maternity hospital.

28. The corporation may ~~also~~ with the consent and the approval of the council of any municipality in which it may be proposed to establish an infectious diseases hospital ~~may~~ establish and maintain under such rules and regulations as may from time to time be passed for that purpose by the medical board, an infectious diseases hospital at or near the City of Toronto, and may enter into a contract with the City of Toronto and other municipalities to take charge of and isolate by means of such hospital all cases of infectious diseases arising in any of said municipalities. Infectious diseases hospital.

29. The board of trustees may appoint a ladies' auxiliary board to aid in the internal management and arrangement of the hospital. Their actions to be subject to the approval of the trustee board. Ladies' Auxiliary.

30. There shall be presented at each annual meeting of the corporation a report as to the financial position of the corporation and as to the affairs of the hospital and the work done by it during the previous year. Annual financial report.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act to Incorporate the Toronto Western
Hospital.

First Reading, 21st February, 1899.

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MR. CRAWFORD.

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